

SUBCHAPTER L—WATERFRONT FACILITIES

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

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AUTHORITY: R.S. 4517, 4518, secs. 19, 2, 23 Stat. 58, 118, sec. 7, 49 Stat. 1936, sec. 1, 40 Stat. 220; 46 U.S.C. 570–572, 2, 689, and 70105; 50 U.S.C. 191, E.O. 10173, E.O. 10277, E.O. 10352, 3 CFR, 1949–1953 Comp. pp. 356, 778, 873.

SOURCE: CGFR 56–15, 21 FR 2940, May 3, 1956, unless otherwise noted.

§ 125.01 Commandant.

The term *Commandant* means Commandant of the Coast Guard.

§ 125.03 District Commander.

The term *District Commander* means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 125.05 Captain of the Port.

The term *Captain of the Port* means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

§ 125.06 Western rivers.

The term *western rivers* as used in the regulations in this subchapter shall include only the Red River of the North, the Mississippi River and its tributaries above the Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 57–52, 22 FR 10301, Dec. 20, 1957]

§ 125.07 Waterfront facility.

The term *waterfront facility* as used in this subchapter, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

§ 125.08 Great Lakes.

The term *Great Lakes* as used in the regulations in this subchapter shall include the Great Lakes and their connecting and tributary waters.

[CGFR 57–52, 22 FR 10301, Dec. 20, 1957]

§ 125.09 Identification credentials.

The term *Identification credentials* as used in this subchapter, means any of the following:

- (a) Coast Guard Port Security Card (Form CG 2514).

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- (b) Merchant Mariner's Document.
- (c) Armed Forces Identification Card.
- (d) Identification credentials issued by Federal Law enforcement and intelligence agencies to their officers and employees (e. g., Department of the Treasury, Department of Justice, Federal Communications Commission).
- (e) Identification credentials issued to public safety officials (e. g., police, firemen) when acting within the scope of their employment.
- (f) Transportation Worker Identification Credential.
- (g) Such other identification as may be approved by the Commandant from time to time.

[CGD 56-15, 21 FR 2940, May 3, 1956, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978; Coast Guard-2006-24196, 72 FR 3587, Jan. 25, 2007]

§ 125.11 Form of Coast Guard Port Security Card.

The Coast Guard Port Security Card issued by the Coast Guard under the provisions of this subchapter shall be a laminated card bearing photograph, signature, fingerprint, and personal description of the holder, and other pertinent data.

§ 125.12 Period of validity of Coast Guard Port Security Cards.

(a) The Coast Guard Port Security Card (Form CG-2514) shall be valid for a period of eight years from the date of issuance thereof unless sooner suspended or revoked by proper authority. On the first day after eight years from the date of issuance, the Coast Guard Port Security Card (Form CG-2514) is hereby declared invalid and shall be considered null and void for all purposes.

(b) The holder of a Coast Guard Port Security Card, which is about to expire or has expired, may apply for a new Coast Guard Port Security Card in accordance with the procedures set forth in § 125.21. In the event the applicant's Coast Guard Port Security Card has expired, such card shall accompany the application for a new Coast Guard Port Security Card. In the event the applicant is holding a valid Coast Guard Port Security Card at the time he submits his application for a new card, such person shall surrender the old or

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expired Coast Guard Port Security Card at the time he is issued a new Coast Guard Port Security Card. In the event the old Coast Guard Port Security Card was lost, stolen, or destroyed, then the applicant shall comply with the provisions in § 125.51, regarding the replacement of a lost Coast Guard Port Security Card and the new card issued as a replacement for a lost card which has expired or is about to expire shall bear a current issuance date.

[CGFR 58-52, 23 FR 9751, Dec. 18, 1958]

§ 125.13 Captain of the Port Identification Cards.

Captain of the Port Identification Cards issued under the form designation "Form CG 2514" prior to the revision of August 1950 were declared invalid by a notice published in the FEDERAL REGISTER on September 11, 1946 (11 FR 10103), which declaration is hereby reaffirmed.

§ 125.15 Access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein.

(a) The Commandant will, from time to time, direct Captains of the Port of certain ports to prevent access of persons who do not possess one or more of the identification credentials listed in § 125.09 to those waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, where the following shipping activities are conducted:

(1) Those vital to the Military Defense Assistance Program.

(2) Those pertaining to the support of U.S. military operations.

(3) Those pertaining to loading and unloading explosives and other dangerous cargo.

(4) Those essential to the interests of national security and defense, to prevent loss, damage or injury, or to insure the observance of rights and obligations of the United States.

(b) No person who does not possess one of the identification credentials aforesaid shall enter or remain in such facilities, or port or harbor areas, including vessels and harbor craft therein.

(c) The Captain of the Port shall give local public notice of the restriction of

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access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, as far in advance as practicable, and shall cause such facilities and areas to be suitably marked as to such restriction.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

§ 125.17 Persons eligible for Coast Guard Port Security Cards.

(a) Only the following persons may be issued Coast Guard Port Security Cards:

(1) Persons regularly employed on vessels or on waterfront facilities.

(2) Persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities.

(b) A holder of a Merchant Mariner's Document shall not be issued a Port Security Card, unless his Merchant Mariner's Document is surrendered to the Coast Guard. In this connection, see § 125.09.

[CGFR 62-39, 27 FR 11259, Nov. 15, 1962, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978]

§ 125.19 Standards.

Information concerning an applicant for a Coast Guard Port Security Card, or a holder of such card, which may preclude a determination that his character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, shall relate to the following:

(a) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

(b) Commission of, or attempts or preparations to commit, an act of espionage, sabotage, sedition or treason, or conspiring with, or aiding or abetting another to commit such an act.

(c) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another government to the detriment of the United States.

(d) Deliberate unauthorized disclosure of classified defense information.

(e) [Reserved]

(f) Having been adjudged insane, having been legally committed to an insane asylum, or treated for serious mental or neurological disorder, without evidence of cure.

(g) Having been convicted of any of the following offenses, indicative of a criminal tendency potentially dangerous to the security of such waterfront facilities and port and harbor areas, including vessels and harbor craft therein; arson, unlawful trafficking in drugs, espionage, sabotage, or treason.

(h) Drunkenness on the job or addiction to the use of narcotic drugs, without adequate evidence of rehabilitation.

(i) Illegal presence in the United States, its territories or possessions; having been found finally subject to deportation order by the United States Immigration and Naturalization Service.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by 37 FR 23422, Nov. 3, 1972]

§ 125.21 Applications.

(a)(1) Application for a Coast Guard Port Security Card shall be made under oath in writing and shall include applicant's answers in full to inquiries with respect to such matters as are deemed by the Commandant to be pertinent to the standards set forth in § 125.19, and to be necessary for a determination whether the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

(2) The application also shall include applicant's complete identification, citizenship record, personal description, military record, if any, and a statement of the applicant's sponsor certifying the applicant's employment or union membership and that applicant's statements are true and correct to the best of sponsor's knowledge.

(3) The application shall be accompanied by two unmounted, dull finish photographs, 1 inch \times 1 $\frac{5}{16}$ inches, of passport type, taken within one year of

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the date of application. The photograph shall show the full face with the head uncovered and shall be a clear and satisfactory likeness of the applicant. It shall portray the largest image of the head and upper shoulders possible within the dimensions specified.

(4) Fingerprint records on each applicant shall be taken by the Coast Guard at the time application is submitted.

(5) The applicant shall present satisfactory proof of his citizenship.

(6) The applicant shall indicate the address to which his Coast Guard Port Security Card can be delivered to him by mail. Under special circumstances the applicant may arrange to call in person for the Coast Guard Port Security Card.

(7) The applicant shall present his application, in person, to a Coast Guard Port Security Unit designated to receive such applications. Such units will be located in or near each port where Coast Guard Port Security Cards are required. Each Captain of the Port shall forward promptly to the Commandant each application for a Coast Guard Port Security Card received by him.

(b) If an applicant fails or refuses to furnish the required information or to make full and complete answer with respect to all matters of inquiry, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes the required information and fully and completely answers all inquiries directed to him.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.23 United States citizens.

Acceptable evidence of United States citizenship is described in this section in the order of its desirability; however, the Coast Guard will reject any evidence not believed to be authentic;

(a) Birth certificate or certified copy thereof.

(b) Certificate of naturalization. This shall be presented by all persons claiming citizenship through naturalization.

(c) Baptismal certificate or parish record recorded within one year after birth.

(d) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date and place of birth.

(e) United States passport.

(f) A commission in one of the armed forces of the United States, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of the armed forces subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(g) A continuous discharge book, or Merchant Mariner's Document issued by the Coast Guard which shows the holder to be a citizen of the United States.

(h) If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship if no one of the requirements in paragraphs (a) through (g) of this section can be met by the applicant and in the absence of any collateral facts indicating fraud in its procurement.

(i) If no one of the requirements in paragraphs (a) through (h) of this section can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Suitland, Md. 20233. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after the birth of the applicant, giving the name of the street and the number of the house, or other identification of place where living, etc.; also names of parents or the names of other persons with whom residing on the date specified.

(2) School records, immigration records, or insurance policies (the latter must be at least 10 years old).

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Alien registration records together with other papers and documents

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which indicated the country of which the applicant is a citizen shall be accepted as evidence of citizenship in a foreign nation.

§ 125.27 Sponsorship of applicant.

Applications for a Coast Guard Port Security Card shall not be accepted unless sponsored. The applicant shall be sponsored by an authorized official of applicant's employer or by an authorized official of applicant's labor union. Each company and each labor union concerned shall file with the appropriate Captain of the Port a list of officials of the company or union who are authorized to sponsor applicants. Other sponsorship may be accepted where the circumstances warrant.

§ 125.29 Insufficient information.

(a)(1) If, in the judgment of the Commandant, an application does not contain sufficient information to enable him to satisfy himself that the character and habits of life of the applicant are such to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft herein, would not be inimical to the security of the United States, the Commandant may require the applicant to furnish, under oath in writing or orally, such further information as he deems pertinent to the standards set forth in § 125.19 and necessary to enable him to make such a determination.

(2) If an applicant fails or refuses to furnish such additional information, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes such information.

(b) Upon receipt, the application and such further information as the Commandant may have required shall be referred, except in those instances where action on an application is held in abeyance pursuant to § 125.21(b) or to paragraph (a)(2) of this section, to a committee composed of a representative of the Legal Division, of the Merchant Vessel Personnel Division and of the Intelligence Division, Coast Guard Headquarters. The committee shall prepare an analysis of the available in-

formation and shall make recommendations for action by the Commandant.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.31 Approval of applicant by Commandant.

(a) If the Commandant is satisfied that the character and habits of life of the applicant are not such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would be inimical to the security of the United States, he will direct that a Coast Guard Port Security Card be issued to the applicant.

(b) If the Commandant is not satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will notify the applicant in writing as provided for in § 125.35.

§ 125.33 Holders of Coast Guard Port Security Cards.

(a) Whenever the Commandant is not satisfied that the character and habits of life of a holder of a Coast Guard Port Security Card are such as to warrant the belief that his presence on waterfront facilities and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will request the holder to furnish, under oath in writing, such information as he deems pertinent and necessary for a determination on this issue.

(b) If the holder fails or refuses to furnish such information within thirty (30) days after receipt of the Commandant's request, the Commandant may issue the written notice provided for in § 125.35(a).

(c) The holder's failure or refusal to furnish such information shall preclude a determination that the holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

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(d) Upon receipt of such information as the Commandant may have required, the procedure prescribed in § 125.29(b) shall be followed.

(e) If the Commandant is satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder accordingly.

(f) If the Commandant is not satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder in writing as provided for in § 125.35.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.35 Notice by Commandant.

(a) The notice provided for in §§ 125.31 and 125.33 shall contain a statement of the reasons why the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States. Such notice shall be as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit reasonable answer.

(b) The applicant or holder shall have 20 days from the date of receipt of the notice of reasons to file written answer thereto. Such answer may include statements or affidavits by third parties or such other documents or evidence as the applicant or holder deems pertinent to the matters in question.

(c) Upon receipt of such answer the procedure prescribed in § 125.29(b) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and har-

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bor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(e) If the Commandant is not satisfied that the applicant's or holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall refer the matter to a Hearing Board for hearing and recommendation in accordance with the provisions of this part.

§ 125.37 Hearing Boards.

The Commandant may establish a Hearing Board in each Coast Guard District. The Commandant shall designate for each Hearing Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a second member from a panel of persons representing labor named by the Secretary of Labor, and a third member from a panel of persons representing management named by the Secretary of Labor.

§ 125.39 Notice by Hearing Board.

Whenever the Commandant refers a matter to a Hearing Board, the Chairman shall:

(a) Fix the time and place of the hearing;

(b) Inform the applicant or holder of the names of the members of the Hearing Board, their occupations, and the businesses or organizations with which they are affiliated, of his privilege of challenge, and of the time and place of the hearing;

(c) Inform the applicant or holder of his privilege to appear before the Hearing Board in person or by counsel or representative of his choice, and to present testimonial and documentary evidence in his behalf, and to cross-examine any witnesses appearing before the Board; and

(d) Inform the applicant or holder that if within 10 days after receipt of

the notice he does not request an opportunity to appear before the Hearing Board, either in person or by counsel or representative, the Hearing Board will proceed without further notice to him.

§ 125.41 Challenges.

Within five days after receipt of the notice described in §125.39 the applicant or holder may request disqualification of any member of the Hearing Board on the grounds of personal bias or other cause. The request shall be accompanied by an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. The affidavit may be supplemented by an oral presentation if desired. If after due consideration the Chairman believes a challenged member is qualified notwithstanding the challenge, he shall notify the person who made the challenge and arrange to proceed with the hearing. If the person who made the challenge takes exception to the ruling of the Chairman, the exception and data relating to the claim of disqualification shall be made a matter of record. If the Chairman finds that there is reasonable ground for disqualification he shall furnish the person who made the challenge with the name of an alternate in lieu of the challenged member and arrange to proceed with the hearing. In the event the Chairman is challenged, he shall forthwith notify the Commandant, furnishing the grounds for the claim of disqualification, and the Commandant shall act upon the challenge in accordance with the foregoing procedure. In addition to the right to challenge for cause, a person who has requested a hearing shall have two peremptory challenges, one challenge for the management member and one challenge for the labor member of the Hearing Board. Should the management member be so challenged, the person who made the challenge may elect to have the management member replaced by another management member or by a member not representing either management or labor; if the member peremptorily challenged represents labor, the person who made the challenge may elect to have the labor member replaced by another labor member or by a member not representing either management or labor.

§ 125.43 Hearing procedure.

(a) Hearings shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum and shall be expedited as much as possible.

(b) The hearing shall be in open or closed session at the option of the applicant or holder.

(c) Testimony before the Hearing Board shall be given under oath or affirmation.

(d) The Chairman of the Hearing Board shall inform the applicant or holder of his right to:

(1) Participate in the hearing;

(2) Be represented by counsel of his choice;

(3) Present witnesses and offer other evidence in his own behalf and in refutation of the reasons set forth in the Notice of the Commandant; and

(4) Cross-examine any witnesses offered in support of such reasons.

(e) Hearings shall be opened by the reading of the Notice of the Commandant and the answer thereto. Any statement and affidavits filed by the applicant or holder may be incorporated in the record by reference.

(f) The Hearing Board may, in its discretion, invite any person to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him and shall have full right to cross-examine the witness. Every effort shall be made to produce material witnesses to testify in support of the reasons set forth in the Notice of the Commandant, in order that such witnesses may be confronted and cross-examined by the applicant or holder.

(g) The applicant or holder may introduce such evidence as may be relevant and pertinent. Rules of evidence shall not be binding on the Hearing Board, but reasonable restrictions may be imposed as to the relevancy, competency and materiality of matters considered. If the applicant or holder is, or may be, handicapped by the non-disclosure to him of confidential sources, or by the failure of witnesses to appear, the Hearing Board shall take the fact into consideration.

(h) The applicant or holder or his counsel or representative shall have

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the right to control the sequence of witnesses called by him.

(i) The Hearing Board shall give due consideration to documentary evidence developed by investigation, including membership cards, petitions bearing the applicant's or holder's signature, books, treatises or articles written by the applicant or holder and testimony by the applicant or holder before duly constituted authority.

(j) Complete verbatim stenographic transcription shall be made of the hearing by qualified reporters and the transcript shall constitute a permanent part of the record. Upon request, the applicant or holder or his counsel or representative shall be furnished, without cost, a copy of the transcript of the hearing.

(k) The Board shall reach its conclusion and base its determination on information presented at the hearing, together with such other information as may have been developed through investigation and inquiries or made available by the applicant or holder.

(l) If the applicant or holder fails, without good cause shown to the satisfaction of the chairman, to appear personally or to be represented before the Hearing Board, the Board shall proceed with consideration of the matter.

(m) The recommendation of the Hearing Board shall be in writing and shall be signed by all members of the Board. The Board shall forward to the Commandant, with its recommendation, a memorandum of reasons in support thereof. Should any member be in disagreement with the majority a dissent should be noted setting forth the reasons therefor. The recommendation of the Board, together with the complete record of the case, shall be sent to the Commandant as expeditiously as possible.

§ 125.45 Action by Commandant.

(a) If, upon receipt of the Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an appli-

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cant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall:

(1) In the case of an applicant, notify him that a Coast Guard Port Security Card will not be issued to the applicant, or,

(2) In the case of a holder, revoke and require the surrender of his Coast Guard Port Security Card.

(c) Such applicant or holder shall be notified of his right, and shall have 20 days from the receipt of such notice within which, to appeal under this part.

§ 125.47 Appeals.

(a) The Commandant shall establish at Coast Guard Headquarters, Washington, DC, an Appeal Board to hear appeals provided for in this part. The Commandant shall designate for the Appeal Board a Chairman, who shall be so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a member from a panel of persons representing management nominated by the Secretary of Labor, and a member from a panel of persons representing labor nominated by the Secretary of Labor. The Commandant shall insure that persons designated as Appeal Board members have suitable security clearance. The Chairman of the Appeal Board shall make all arrangements incident to the business of the Appeal Board.

(b) If an applicant or holder appeals to the Appeal Board within 20 days after receipt of notice of his right to appeal under this part, his appeal shall be handled under the same procedure as that specified in §125.39, and the privilege of challenge may be exercised through the same procedure as that specified in §125.41.

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(c) Appeal Board proceedings shall be conducted in the same manner as that specified in § 125.43.

§ 125.49 Action by Commandant after appeal.

(a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

§ 125.51 Replacement of lost Coast Guard Port Security Card.

(a) Any person whose Coast Guard Port Security Card has been stolen, lost, or destroyed shall report that fact to a Coast Guard Port Security Unit or Captain of the Port as soon thereafter as possible.

(b) A person who has lost a Coast Guard Port Security Card may apply for a replacement card by submitting "An Application for Replacement of Lost Port Security Card" (Form CG 2685A) to a Coast Guard Port Security Unit. A replacement will be issued only after a full explanation of the loss of the Coast Guard Port Security Card is made in writing to the Coast Guard and after a full check is made and authorization is granted by the Commandant.

(c) Any person to whom a Coast Guard Port Security Card has been issued as a replacement for a lost card, shall immediately surrender the original card to the nearest Coast Guard

Port Security Unit or Captain of the Port if the original card should be recovered.

§ 125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).

(a) Every person desiring access to vessels, except public vessels, falling within any of the categories listed below, as a master, person in charge, or member of the crew thereof, shall be required to be in possession of one of the identification credentials listed in § 125.09.

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(b) The term "master, person in charge, or member of the crew" shall be deemed to include any person who serves on board in any capacity concerned with the operation, maintenance, or administration of the vessel or its cargo.

(c) Where the Coast Guard Port Security Card (Form CG 2514) is to be used as the identification required by paragraph (a) of this section, application for such card may be made immediately by the persons concerned. The issuance of the Coast Guard Port Security Card shall be in the form and manner prescribed by § 125.11.

(d) At the discretion of the District Commander any person desiring access to vessels of the categories named in this section, who may be required by the provisions hereof to possess identification credentials, may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize such access for a period not to exceed 60 days, and such a letter issued

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shall be deemed to be satisfactory identification within the meaning of § 125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in § 125.09.

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-51, 21 FR 9339, Nov. 30, 1956]

§ 125.55 Outstanding Port Security Card Applications.

A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

[CGFR 61-54, 26 FR 11862, Dec. 12, 1961]

§ 125.57 Applications previously denied.

A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

PART 126—HANDLING OF DANGEROUS CARGO AT WATERFRONT FACILITIES

Sec.

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AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

§ 126.1 What does this part apply to?

This part applies to waterfront facilities handling packaged and bulk-solid dangerous cargo and to vessels at those facilities.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003]

§ 126.3 Definitions.

As used in this part—

Break-bulk means packages that are handled individually, palletized, or unitized for purposes of transportation, as opposed to materials in bulk and containerized freight.

Bulk means without mark or count and directly loaded or unloaded to or from a hold or tank on a vessel without the use of containers or break-bulk packaging.

Captain of the port or *COTP* means the officer of the Coast Guard, under the command of a District Commander, is designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within an assigned area.

Cargo of particular hazard means any of the following:

(1) Division 1.1 and 1.2 explosives, as defined in 49 CFR 173.50, for which a permit is required under 33 CFR 126.17.

(2) Ammonium nitrate products, division 5.1 (oxidizing) materials listed in

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49 CFR 176.410, for which a permit is required under 49 CFR 176.415.

(3) Division 4.3 dangerous when wet products as defined in 49 CFR 173.124, in excess of 60 mt.

(4) Division 2.3 and 6.1 poison inhalation hazard products as defined in 49 CFR 173.115 and 173.132, respectively.

(5) Class 7 highway route controlled quantity radioactive material or fissile material, controlled shipment, as defined in 49 CFR 173.403.

Commandant means the Commandant of the United States Coast Guard.

Container means a reusable container that has a volume of 1.81 cubic meters (64 cubic feet) or more, is designed and constructed to permit being lifted with its contents intact, and is intended primarily for containment of packages (in unit form) during transportation.

Dangerous cargo means all hazardous materials listed in 49 CFR parts 170 through 179, except those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101, and all cargo listed in 46 CFR part 148.

Designated dangerous cargo means Division 1.1 and 1.2 explosives as defined in 49 CFR 173.50.

Designated waterfront facility means a waterfront facility designated under § 126.13 for the handling, storing, loading, and discharging of any hazardous material(s) subject to the Dangerous Cargoes Regulations (49 CFR parts 170 through 179), except for those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and for those materials carried as bulk liquids.

Facility of particular hazard means a designated waterfront facility that is authorized to handle a cargo of particular hazard.

Facility operator means the person or company who owns, operates, or is responsible for the operation of a waterfront facility.

Net tons means net weight in tons.

Net weight, in reference to material in a package, tank, or container, means the weight of the contents of a package, tank, or container and does not include the weight of any packaging material or containing devices.

Transport unit means a transport vehicle or a container.

Waterfront facility means all piers, wharves, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in the immediate proximity to these structures; buildings on or contiguous to these structures; and the equipment and materials on or in these structures or buildings. The term does not include facilities directly operated by the Department of Defense.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003, as amended by USCG-2008-0179, 73 FR 35013, June 19, 2008]

§ 126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, we must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Vessel and Facility Operating Standards Division (CG-522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected, are as follows:

<i>American Society for Testing and Materials (ASTM)</i> , 100 Barr Harbor Drive, PO Box C700 West CONSHOHOCKEN, PA 19428-2959: ASTM F-1121, Standard Specification for International Shore Connections for Marine Fire Applications, 1987 Edition	126.15
<i>National Fire Protection Association (NFPA)</i> , One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101: NFPA 10, Standard for Portable Fire Extinguishers, 1998 Edition	126.15

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NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition	126.15
NFPA 14, Standard for the Installation of Standpipe and Hose Systems, 1996 Edition	126.15
NFPA 30, Flammable and Combustible Liquids Code, 1996	126.15
NFPA 51B, Standard for Fire Prevention in Use of Cutting and Welding Processes, 1994 Edition ..	126.30
NFPA 70, National Electrical Code, 1996	126.15
NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 1995 Edition	126.15

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003, as amended at 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36283, June 25, 2010]

§ 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

(1) That compliance with the requirement is economically or physically impractical; and

(2) That the alternative requested provides an equivalent or greater level of safety.

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(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

§ 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in §126.15, unless waived under provisions of §126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57-52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see §126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7-8.7.

(4) *Lighting.* If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting

that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see §126.5.) and must be located or shielded so that it cannot be mistaken for an aid to navigation and does not interfere with navigation on waterways.

(5) *International shore connection.* If the facility conducts cargo operations involving foreign-flag vessels, the facility must have an international shore connection meeting ASTM F-1121. (Incorporated by reference, see §126.5.)

(6) *Access to the facility.* Whenever dangerous cargo is transferred or stored on the facility, access to the facility must be limited to—

- (i) Personnel working on the facility or vessel;
- (ii) Delivery and service personnel authorized to conduct their business;
- (iii) Coast Guard and other Federal, State, and local officials;
- (iv) Local emergency personnel, such as police officers and firemen; and
- (v) Other persons authorized by the owner or operator of the facility.

(7) *Security measures.* Guards must be stationed, or equivalent controls acceptable to the COTP must be used, to deter and detect unlawful entrance; to detect and report fire hazards, fires, and releases of dangerous cargoes and hazardous materials; to check the readiness of protective equipment; and to report other emergency situations at the facility.

(8) *Coast Guard personnel.* At any time, Coast Guard personnel must be allowed to enter the facility to conduct inspections or board vessels moored at the facility.

(9) *Material handling equipment, trucks, and other motor vehicles.* When dangerous cargo is being transferred or stored on the facility, material handling equipment, trucks, and other motor vehicles operated by internal combustion engines must meet the requirements of NFPA 307, chapter 9.

(10) *Smoking.* Smoking is allowed on the facility where permitted under State or local law. Signs must be posted marking authorized smoking areas. “No Smoking” signs must be conspicuously posted elsewhere on the facility.

(11) *Rubbish and waste material.* All rubbish, debris, and waste materials must be placed in adequate receptacles.

(12) *Adequacy of equipment, materials, and standards.* The COTP may determine that any equipment, material, or standard is not reasonably adequate under the circumstances. If so, the COTP informs the owner or operator in writing and provides an opportunity for the owner or operator to have the deficiency corrected.

(b) All designated waterfront facilities that handle dangerous cargo, not in transport units, must also meet the following:

(1) *Arrangement of cargo, freight, merchandise, or material.* Cargo, freight, merchandise, and other items or material on the facility must be arranged to provide access for firefighting and clearance for fire prevention according to NFPA 307, chapter 8-5.

(2) *Portable fire extinguishers.* Each facility must have and maintain, in adequate quantities and locations, portable fire extinguishers that meet the requirements of NFPA 10. These extinguishers must be inspected and maintained in accordance with NFPA 10.

(3) *Electrical systems.* All new electrical equipment and wiring installed on the facility must be of the same type and installed as specified under NFPA 70. All defective or dangerous electrical equipment and wiring must be promptly repaired, replaced, or permanently disconnected.

(4) *Heating equipment and other sources of ignition.* Open fires and open-flame lamps are prohibited on the facility. Heating equipment must meet NFPA 307, chapter 9-4.

(5) *Maintenance stores and supplies.* Hazardous material(s) used in the operation or maintenance of the facility may be stored only in amounts necessary for normal operating conditions. These materials must be stored in compartments that are remote from combustible material; constructed to provide safe storage; and kept clean and free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Flammable liquids must be stored according to NFPA 30, chapter 4. (Incorporated by reference, see §126.5.)

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(c) All designated waterfront facilities that handle dangerous cargo in transport units must also meet the following:

(1) *Terminal yards.* Terminal yards must conform to the standards in NFPA 307, chapter 5.

(2) *Containers.* Containers packed with dangerous cargo that are vertically stacked must be stacked no more than four high.

[USCG–1998–4302, 68 FR 55441, Sept. 26, 2003]

§ 126.16 Conditions for designating a “facility of particular hazard.”

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67–93, 32 FR 20774, Dec. 23, 1967]

§ 126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle while it is in or on such waterfront facility.

[CGFR 58–43, 23 FR 8542, Nov. 1, 1958]

§ 126.19 Issuance of permits for handling designated dangerous cargo.

Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(a) The facility shall comply in all respect with the regulations in this subchapter.

(b) The quantity of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(c) The quantity of designated dangerous cargo consisting of Class 1 (explosive) materials shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

[CGFR 53–27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92–050, 59 FR 39965, Aug. 5, 1994]

§ 126.21 Permitted transactions.

All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15(g).

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

§ 126.23 Termination or suspension of permits.

Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

§ 126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1232).

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.27 General permit for handling dangerous cargo.

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) You must notify the COTP before you handle, store, stow, load, discharge, or transport, in the net weight amounts specified, the following dangerous cargo, except when contained within transport units or railroad or highway vehicles being transported across or on the waterfront facility solely for transfer to or from a railroad-car ferry, highway-vehicle ferry, or carfloat:

(1) Class 1, Division 1.3 and Division 1.5 (Explosive) materials, with a net explosive quantity in excess of 36,400 kg (40 net tons) at any one time.

(2) Class 2, Division 2.1 (Flammable Gas) materials in bulk packaging; or Division 2.3 (Poison Gas) materials in excess of 72,800 kg (80 net tons) at any one time.

(3) A Class 7 (Radioactive) material in a highway route controlled quantity, as defined in 49 CFR 173.403.

(4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.

(5) Flammable gases, in excess of 10 net tons at any one time.

(6) Poisons (Class A).

(7) A bulk shipment of a cargo of particular hazard.

(c) No Class 1 (explosive) materials (as defined in 49 CFR 173.50) or other dangerous cargoes prohibited from, or not permitted for, transportation by 46 CFR part 148 or 49 CFR parts 171 through 179 may be present on the waterfront facility.

(d) Break-bulk dangerous cargo must be segregated according to 49 CFR 176.83(a) through (c). No separation is required for break-bulk dangerous cargo in limited-quantity packaging.

(e) Transport units and portable tanks containing dangerous cargo must be segregated according to 49 CFR 176.83(a), (b), and (f). The requirements

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for vertical segregation and for on-deck, horizontal segregation in 49 CFR 176.83(f) apply. No separation is required for transport units containing dangerous cargo only in limited quantity packaging.

(f) Break-bulk dangerous cargo must be segregated from transport units containing dangerous cargo according to 49 CFR 176.83(e).

(g) Solid dangerous bulk cargo must be separated to prevent the interaction of incompatible materials in the event of an accident. Cargo not required to be segregated, when in break-bulk form, is not required to be segregated, when in bulk form. Dangerous cargo in break-bulk form must be segregated from solid dangerous cargo in bulk according to 49 CFR 176.83.

(h) Materials that are dangerous when wet (Division 4.3), water-soluble oxidizers (Division 5.1), and corrosive solids (Class 8) must be stored in a manner that prevents them from coming into contact with water.

(i) Corrosive liquids (Class 8) and liquid oxidizers (Division 5.1) must be handled and stored so that, in the event of a leak from their packaging, they would not come in contact with organic materials.

(j) Dangerous cargo stored on the facility must be arranged in a manner that retards the spread of fire, such as by interspersing dangerous cargo with inert or fire retardant material.

(k) Dangerous cargo stored on the facility, but not intended for use on the facility, must be packaged, marked, and labeled according to 49 CFR parts 171 through 180, as if the cargo was in transportation.

(l) Class 7 (Radioactive) material must be stored as specified in 49 CFR 173.447.

[CGD 78–023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 75–238, 44 FR 63676, Nov. 5, 1979; CGD 75–238, 45 FR 57394, Aug. 28, 1980; CGD 92–050, 59 FR 39965, Aug. 5, 1994; USCG–1998–4302, 68 FR 55442, Sept. 26, 2003]

§ 126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo ni-

trate, described and defined as an oxidizer by the regulations of 49 CFR part 173 is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for fire-fighting shall be readily available.

(8) Open drains, traps, pits or pockets which could be filled with molten ammonium nitrate if a fire occurred (and thus become potential detonators for the storage piles) must be eliminated or plugged.

NOTE: See 49 CFR 176.415 for permit requirements for nitro carbo nitrate and certain ammonium nitrates.

[CGD 78–023, 44 FR 4644, Jan. 22, 1979]

§ 126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any trans-action of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all di-rections, instructions, and orders of the Captain of the Port or his rep-resentative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stow-ing, loading, or discharging of dan-gerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized rep-resentative; with respect to the ingress and egress of persons, articles, and things and to their presence on the wa-terfront facility or vessel; and with re-spect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities there-in, the discharge into the navigable wa-ters of the United States of petroleum products, petroleum byproducts or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be im-mediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facil-ity from which the discharge occurred.

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969]

§ 126.30 What are the conditions for conducting welding and hotwork?

(a) The facility operator must ensure that all welding or hotwork conducted at the facility meets the requirements of this section. Each operator of a ves-

sel moored to the facility must ensure that all welding or hotwork conducted on the vessel meets the requirements of this section.

(b) The COTP may require an oper-ator of a facility or of a vessel moored at the facility to notify the COTP be-fore conducting welding or hotwork. Regardless of whether or not the COTP required notice, the facility operator must notify the COTP before con-ducting welding or hotwork on a vessel when containerized dangerous cargo is located within the distances listed in paragraph (f) of this section.

(c) Before conducting welding or hotwork, flammable vapors, liquids, or solids must be completely removed from any container, pipe, or transfer line being worked on.

(d) Before conducting welding or hotwork on tanks, tanks used for stor-age of flammable or combustible sub-stances must be tested and certified gas free.

(e) All welding and hotwork must be conducted according to NFPA 51B. (In-corporated by reference, see § 126.5.)

(f) Welding or hotwork is prohibited during gas freeing operations within 30.5 meters (100 feet) of bulk cargo operations involving flammable or com-bustible materials, within 30.5 meters (100 feet) of fueling operations, within 30.5 meters (100 feet) of explosives, or within 15.25 meters (50 feet) of other hazardous materials.

(g) If the welding or hotwork is on the boundary of a compartment (*i.e.*, bulkhead, wall, or deck), a fire watch, in addition to that called for in NFPA 51B, must be stationed in the adjoining compartment.

(h) Personnel on fire watch must have no other duties except to watch for the presence of fire and to prevent the development of hazardous condi-tions.

(i) All safety precautions in relation to purging, inerting, or venting for all hotwork on containers must be fol-lowed.

(j) All local laws and ordinances must be followed.

(k) If a fire or other hazard occurs, all cutting, welding, or other hotwork equipment must be shut down.

[USCG-1998-4302, 68 FR 55442, Sept. 26, 2003]

§ 126.31

§ 126.31 Termination or suspension of general permit.

The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by § 126.27 in respect to any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the District Commander with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

§ 126.33 Penalties for handling dangerous cargo without permit.

Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by § 126.27 under circumstances not covered by the general permit granted in § 126.27 or when such general permit is not in force will subject persons responsible therefor to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. sec. 1232).

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

§ 126.35 Primary responsibility.

Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

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§ 126.37 Separability.

If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

PART 127—WATERFRONT FACILITIES HANDLING LIQUEFIED NATURAL GAS AND LIQUEFIED HAZ- ARDOUS GAS

Subpart A—General

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127.1303 Compliance with suspension order.
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FIRE PROTECTION

127.1601 Smoking.
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127.1605 Other sources of ignition.

AUTHORITY: 33 U.S.C. 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 78-038, 53 FR 3376, Feb. 7, 1988, unless otherwise noted.

Subpart A—General

§ 127.001 Applicability.

(a) Subparts A and B of this part apply to the marine transfer area for LNG of each new waterfront facility handling LNG and to new construction in the marine transfer area for LNG of each existing waterfront facility handling LNG.

(b) Subpart A of this part and §§127.301 through 127.617 apply to the marine transfer area for LNG of each active existing waterfront facility handling LNG.

(c) Sections 127.007 (b), (c), and (d); 127.019(b); and 127.701 of subparts A and B of this part apply to the marine transfer area for LNG of each inactive existing facility.

(d) Subparts A and C of this part apply to the marine transfer area for LHG of each active waterfront facility handling LHG.

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(e) Sections 127.007 (b), (c), and (d); 127.019(b); and 127.1325(c) of subparts A and C of this part apply to the marine transfer area for LHG of each inactive facility.

[CGD 88–049, 60 FR 39794, Aug. 3, 1995, as amended by USCG–2007–27022, 75 FR 29426, May 26, 2010]

§ 127.003 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in

the FEDERAL REGISTER and make the material available to the public. All approved material is available for inspection at the U.S. Coast Guard, (CG–543), 2100 2nd St., SW., Stop 7581, Washington, DC 20593–7581, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are:

THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)	
1430 Broadway, New York, NY 10018:	
ANSI B16.5, Pipe Flanges and Flanged Fittings 1988, including 1992 Addenda and Errata	127.1102
ANSI S12.13, Part I, Performance Requirements, Combustible Gas Detectors, 1986	127.1203
AMERICAN PETROLEUM INSTITUTE (API)	
1220 L Street NW., Washington, DC 20005:	
API RP 2003, Protection Against Ignitions Arising Out of Static, Lightning and Stray Currents, 1991	127.1101
AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME)	
Three Park Avenue, New York, NY 10016–5990:	
ASME B31.3, Chemical Plant and Petroleum Refinery Piping, 1993	127.1101
AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)	
100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.	
ASTM F 1121–87 (1993), Standard Specification for International Shore Connections for Marine Fire Applications	127.611;
	127.1511
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)	
1 Batterymarch Park, Quincy, MA 02269:	
NFPA 10, Portland Fire Extinguishers, 1994	127.603;
	127.1503
NFPA 30, Flammable and Combustible Liquids Code, 1993	127.313;
	127.1313
NFPA 51B, Fire Prevention in Use of Cutting and Welding Processes, 1994	127.405;
	127.1405
NFPA 59A, Production, Storage, and Handling of Liquefied Natural Gas (LNG), 1994	127.101;
	127.201;
	127.405;
	127.603
NFPA 70, National Electrical Code, 1993	127.107;
	127.201;
	127.1107
NFPA 251, Fire Tests of Building Construction and Materials, 1990	127.005

[CGD 88–049, 60 FR 39794, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995, as amended by CGD 96–026, 61 FR 33665, June 28, 1996; 61 FR 36629, July 12, 1996; USCG–1999–5832, 64 FR 34714, June 29, 1999; USCG–1999–5151, 64 FR 67175, Dec. 1, 1999; 69 FR 18803, Apr. 9, 2004; USCG–2004–18057, 69 FR 34926, June 23, 2004; USCG–2010–0351, 75 FR 36283, June 25, 2010]

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§ 127.005 Definitions.

As used in this part:

Active means accomplishing the transfer of LHG or LNG, or scheduling one to occur, within 12 months of the current date.

Captain of the Port (COTP) means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in part 3 of this chapter, or an authorized representative.

Commandant means the Commandant of the U.S. Coast Guard or an authorized representative.

Control room means a space within the LNG waterfront facility from which facility operations are controlled.

District Commander means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in part 3 of this chapter, or an authorized representative.

Environmentally sensitive areas include public parks and recreation areas, wildlife and waterfowl refuges, fishing grounds, wetlands, other areas deemed to be of high value to fish and wildlife resources, historic sites, and other protected areas.

Existing as applied to a waterfront facility means a facility handling LNG constructed or being constructed under a contract awarded before June 2, 1988, or a facility handling LHG constructed or being constructed under a contract awarded before January 30, 1996.

Facility means either a waterfront facility handling LHG or a waterfront facility handling LNG.

Fire endurance rating means the duration for which an assembly or structural unit will contain a fire or retain structural integrity when exposed to the temperatures specified in the standard time-temperature curve in NFPA 251.

Flammable product means a product indicated by the letter “F” or by the letters “F+T” in Table 127.005.

Inactive means not active.

Impounding space means a space formed by dikes and floors that confines a spill of LHG or LNG.

LHG means liquefied hazardous gas.

LHG vessel means a vessel constructed or converted to carry LHG, in bulk.

Liquefied hazardous gas (LHG) means a liquid containing one or more of the products listed in Table 127.005.

Liquefied natural gas (LNG) means a liquid or semisolid consisting mostly of methane and small quantities of ethane, propane, nitrogen, or other natural gases.

Liquefied petroleum gas (LPG) means a liquid consisting mostly of propane or butane or both.

LNG means liquefied natural gas.

LNG vessel means a vessel constructed or converted to carry LNG, in bulk.

Loading flange means the connection or group of connections in the cargo transfer pipeline on the facility that connects the facility pipeline to the vessel pipeline.

Marine transfer area for LHG means that part of a waterfront facility handling LHG between the vessel, or where the vessel moors, and the first shutoff valve on the pipeline immediately inland of the terminal manifold or loading arm, including the entire part of a pier or wharf used to serve LHG vessels.

Marine transfer area for LNG means that part of a waterfront facility handling LNG between the vessel, or where the vessel moors, and the last manifold or valve immediately before the receiving tanks.

Mating flange means that flange in the product-transfer pipeline on a waterfront facility handling LHG or a waterfront facility handling LNG that connects this pipeline to the pipeline or transfer hose of the vessel.

MAWP means maximum allowable working pressure.

Maximum allowable working pressure (MAWP) means the maximum gauge pressure permissible at the top of equipment, containers, or pressure vessels while operating at design temperature.

New as applied to a waterfront facility means a facility handling LNG constructed or being constructed under a contract awarded on or after June 2, 1988, or a facility handling LHG constructed or being constructed under a

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contract awarded on or after January 30, 1996.

Person in charge of transfer operations on the vessel is the person designated the person in charge of cargo transfer under 46 CFR 154.1831.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, except a minor release of LHG or its vapor, that may occur during the routine handling of LHG. No release is minor if it creates an atmosphere that exceeds the Lower Flammable Limit (LFL) for a flammable product or any Permissible Exposure Limit (PEL) listed in 29 CFR 1910.1000, Table Z-1 or Z-2, for a toxic product.

Substructure means the deck of a pier or wharf and the structural components below that deck.

Toxic product means a product indicated by the letter "T" or by the letters "F+T" in Table 127.005.

Waterfront facility handling LHG means any structure on, in, or under the navigable waters of the United States, or any structure on land or any area on shore immediately adjacent to such waters, used or capable of being used to transfer liquefied hazardous gas, in bulk, to or from a vessel.

Waterfront facility handling LNG means any structure on, in, or under the navigable waters of the United States, or any structure on land or any area on shore immediately adjacent to such waters, used or capable of being used to transfer liquefied natural gas, in bulk, to or from a vessel.

TABLE 127.005—LIST OF PRODUCTS AND HAZARDS

Product	Hazard
Acetaldehyde	F+T
Ammonia, anhydrous	T
Butadiene	F
Butanes	F
Butane and propane (mixtures)	F
Butylenes	F
Chlorine	T
Dimethylamine	F+T
Ethane	F
Ethyl chloride	F+T
Ethylene	F
Ethylene oxide	F+T
Methyl-acetylene and propadiene (mixtures) ..	F
Methyl bromide	F+T
Methyl chloride	F+T
Propane	F
Propylene	F

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TABLE 127.005—LIST OF PRODUCTS AND HAZARDS—Continued

Product	Hazard
Sulphur dioxide	T
Vinyl chloride	F+T

NOTE: "F" indicates a flammable product. "T" indicates a toxic product. "F+T" indicates a product both flammable and toxic.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995; CGD 97-023, 62 FR 33363, June 19, 1997]

§ 127.007 Letter of intent and waterway suitability assessment.

(a) An owner or operator intending to build a new facility handling LNG or LHG, or an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LNG or LHG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with a proposed facility or modification to an existing facility, must submit a Letter of Intent (LOI) to the Captain of the Port (COTP) of the zone in which the facility is or will be located. The LOI must meet the requirements in paragraph (c) of this section.

(1) The owner or operator of an LNG facility must submit the LOI to the COTP no later than the date that the owner or operator files a pre-filing request with the Federal Energy Regulatory Commission (FERC) under 18 CFR parts 153 and 157, but, in all cases, at least 1 year prior to the start of construction.

(2) The owner or operator of an LHG facility must submit the LOI to the COTP no later than the date that the owner or operator files with the Federal or State agency having jurisdiction, but, in all cases, at least 1 year prior to the start of construction.

(b) An owner or operator intending to reactivate an inactive existing facility must submit an LOI that meets paragraph (c) of this section to the COTP of the zone in which the facility is located.

(1) The owner or operator of an LNG facility must submit the LOI to the COTP no later than the date the owner or operator files a pre-filing request

with FERC under 18 CFR parts 153 and 157, but, in all cases, at least 1 year prior to the start of LNG transfer operations.

(2) The owner or operator of an LHG facility must submit the LOI to the COTP no later than the date the owner or operator files with the Federal or State agency having jurisdiction, but, in all cases, at least 1 year prior to the start of LHG transfer operations.

(c) Each LOI must contain—

(1) The name, address, and telephone number of the owner and operator;

(2) The name, address, and telephone number of the Federal, State, or local agency having jurisdiction for siting, construction, and operation;

(3) The name, address, and telephone number of the facility;

(4) The physical location of the facility;

(5) A description of the facility;

(6) The LNG or LHG vessels' characteristics and the frequency of LNG or LHG shipments to or from the facility; and

(7) Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway used by the LNG or LHG vessels en route to the facility, within at least 25 kilometers (15.5 miles) of the facility.

(d) The owner or operator who submits an LOI under paragraphs (a) or (b) of this section must notify the COTP in writing within 15 days of any of the following:

(1) There is any change in the information submitted under paragraphs (c)(1) through (c)(7) of this section; or

(2) No LNG or LHG transfer operations are scheduled within the next 12 months.

(e) An owner or operator intending to build a new LNG or LHG facility, or an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LNG or LHG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with a proposed facility or modification to an existing facility, must file or update as appropriate a water-

way suitability assessment (WSA) with the COTP of the zone in which the facility is or will be located. The WSA must consist of a Preliminary WSA and a Follow-on WSA. A COTP may request additional information during review of the Preliminary WSA or Follow-on WSA.

(f) The Preliminary WSA must—

(1) Be submitted to the COTP with the LOI; and

(2) Provide an initial explanation of the following—

(i) Port characterization;

(ii) Characterization of the LNG or LHG facility and LNG or LHG tanker route;

(iii) Risk assessment for maritime safety and security;

(iv) Risk management strategies; and

(v) Resource needs for maritime safety, security, and response.

(g) The Follow-on WSA must—

(1) Be submitted to the COTP as follows:

(i) The owner or operator of an LNG facility must submit the Follow-on WSA to the COTP no later than the date the owner or operator files its application with FERC pursuant to 18 CFR parts 153 or 157, or if no application to FERC is required, at least 180 days before the owner or operator begins transferring LNG.

(ii) The owner or operator of an LHG facility must submit the Follow-on WSA to the COTP in all cases at least 180 days before the owner or operator begins transferring LHG.

(2) Contain a detailed analysis of the elements listed in §§127.007(f)(2), 127.009(d), and 127.009(e) of this part.

(h) Until the facility begins operation, owners or operators must:

(1) Annually review their WSAs and submit a report to the COTP as to whether changes are required. The deadline for the required annual report should coincide with the date of the COTP's Letter of Recommendation, which indicates review and validation of the Follow-on WSA has been completed.

(2) In the event that revisions to the WSA are needed, report to the COTP the details of the necessary revisions, along with a timeline for completion.

(3) Update the WSA if there are any changes in conditions, such as changes

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to the port environment, the LNG or LHG facility, or the tanker route, that would affect the suitability of the waterway for LNG or LHG traffic.

(4) Submit a final report to the COTP at least 30 days, but not more than 60 days, prior to the start of operations.

[USCG-2007-27022, 75 FR 29426, May 26, 2010]

§ 127.009 Letter of recommendation.

After the COTP receives the Letter of Intent under § 127.007(a) or (b), the COTP issues a Letter of Recommendation as to the suitability of the waterway for LNG or LHG marine traffic to the Federal, State, or local government agencies having jurisdiction for siting, construction, and operation, and, at the same time, sends a copy to the owner or operator, based on the—

(a) Information submitted under § 127.007;

(b) Density and character of marine traffic in the waterway;

(c) Locks, bridges, or other man-made obstructions in the waterway;

(d) Factors adjacent to the facility such as—

(1) Depths of the water;

(2) Tidal range;

(3) Protection from high seas;

(4) Natural hazards, including reefs, rocks, and sandbars;

(5) Underwater pipelines and cables;

(6) Distance of berthed vessel from the channel and the width of the channel; and

(e) Other safety and security issues identified.

[USCG-2007-27022, 75 FR 29427, May 26, 2010]

§ 127.011 Inspections of waterfront facilities.

The operator shall ensure that the COTP or his representative is allowed to make reasonable examinations and inspections to determine whether the facility meets this part.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

§ 127.013 Suspension of transfer operations.

(a) The COTP may issue an order to the operator to suspend LHG or LNG transfer operations if the COTP finds

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any condition requiring immediate action to—

(1) Prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) Protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) Each order to suspend transfer operations issued under paragraph (a) of this section—

(1) Is effective immediately;

(2) Contains a statement of each condition requiring immediate action; and

(3) Is withdrawn by the COTP whenever each condition is corrected or no longer exists.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

§ 127.015 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may—

(1) Appeal that ruling in writing to the District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, any person not satisfied with this ruling may—

(1) Appeal that ruling in writing to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, (CG-5), 2100 2nd St., SW., Stop 7355, Washington, DC 20593-7355; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

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(d) The Assistant Commandant for Marine Safety, Security and Environmental Protection issues a ruling after reviewing the appeal submitted under paragraph (c) of this section, which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997; USCG-2002-12471, 67 FR 41332, June 18, 2002; USCG-2010-0351, 75 FR 36283, June 25, 2010]

§ 127.017 Alternatives.

(a) The COTP may allow alternative procedures, methods, or equipment standards to be used by an operator instead of any requirements in this part if—

(1) The operator submits a written request for the alternative at least 30 days before facility operations under the alternative would begin, unless the COTP authorizes a shorter time; and

(2) The alternative provides at least the same degree of safety provided by the regulations in this part.

(b) The COTP approves or disapproves any alternative requested under paragraph (a) of this section—

(1) In writing; or

(2) Orally, with subsequent written confirmation.

§ 127.019 Operations Manual and Emergency Manual: Procedures for examination.

(a) The owner or operator of an active existing facility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* to the Captain of the Port of the zone in which the facility is located.

(b) At least 30 days before transferring LHG or LNG, the owner or operator of a new or an inactive existing fa-

cility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* to the Captain of the Port of the zone in which the facility is located, unless the manuals have been examined and there have been no changes since that examination.

(c) If the COTP finds that the *Operations Manual* meets § 127.305 or § 127.1305 and that the *Emergency Manual* meets § 127.307 or § 127.1307, the Captain of the Port returns a copy to the owner or operator marked “Examined by the Coast Guard”.

(d) If the COTP finds that the *Operations Manual* or the *Emergency Manual* does not meet this part, the Captain of the Port returns the manual with an explanation of why it does not meet this part.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

Subpart B—Waterfront Facilities Handling Liquefied Natural Gas

§ 127.101 Design and construction: General.

The marine transfer area for LNG must meet the following criteria in NFPA 59A:

(a) Chapter 2, Sections 2-1.2 and 2-3.

(b) Chapter 4, Section 4-1.3.

(c) Chapter 6.

(d) Chapter 7, Sections 7-6 and 7-7.

(e) Chapter 8, except Sections 8-3, 8-5 and 8-7.2.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

§ 127.103 Piers and wharves.

(a) If the waterfront facility handling LNG is in a region subject to earthquakes, the piers and wharves must be designed to resist earthquake forces.

(b) Substructures, except moorings and breasting dolphins, that support or are within 5 meters (16.4 feet) of any pipe or equipment containing LNG, or are within 15 meters (49.2 feet) of a loading flange, must—

(1) Be made of concrete or steel; and

(2) Have a fire endurance rating of not less than two hours.

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(c) LNG or LPG storage tanks must have the minimum volume necessary for—

- (1) Surge protection;
- (2) Pump suction supply; or
- (3) Other process needs.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.105 Layout and spacing of marine transfer area for LNG.

(a) LNG impounding spaces must be located so that the heat flux from a fire over the impounding spaces does not cause structural damage to an LNG vessel moored or berthed at the water-front facility handling LNG.

(b) Each LNG loading flange must be located at least 300 meters (984.3 feet) from the following which are primarily intended for the use of the general public or railways:

- (1) Each bridge crossing a navigable waterway.
- (2) Each entrance to any tunnel under a navigable waterway.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.107 Electrical power systems.

(a) The electrical power system must have a power source and a separate emergency power source, so that failure of one source does not affect the capability of the other source. The system must meet the National Electrical Code, NFPA 70.

(b) The emergency power source must provide enough power for the operation of the—

- (1) Emergency shutdown system;
- (2) Communications equipment;
- (3) Firefighting equipment; and
- (4) Emergency lighting.

(c) If an auxiliary generator is used as an emergency power source, it must meet Section 700-12 of NFPA 70.

§ 127.109 Lighting systems.

(a) The marine transfer area for LNG must have a lighting system and separate emergency lighting.

(b) All outdoor lighting must be located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterways.

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(c) The lighting system must provide an average illumination on a horizontal plane one meter (3.3 feet) above the deck that is—

- (1) 54 lux (five foot-candles) at any loading flange; and
- (2) 11 lux (one foot-candle) at each work area.

(d) The emergency lighting must provide lighting for the operation of the—

- (1) Emergency shutdown system;
- (2) Communications equipment; and
- (3) Firefighting equipment.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

§ 127.111 Communications systems.

(a) The marine transfer area for LNG must have a ship-to-shore communication system and a separate emergency ship-to-shore communication system.

(b) Each ship-to-shore communication system must be a dedicated system that allows voice communication between the person in charge of transfer operations on the vessel, the person in charge of shoreside transfer operations, and personnel in the control room.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

§ 127.113 Warning signs.

(a) The marine transfer area for LNG must have warning signs that—

- (1) Meet paragraph (b) of this section;
- (2) Can be seen from the shore and the water; and
- (3) Have the following text:

Warning
Dangerous Cargo
No Visitors
No Smoking
No Open Lights

(b) Each letter in the words on the sign must be—

- (1) Block style;
- (2) Black on a white background; and
- (3) 7.6 centimeters (3 inches) high.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

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EQUIPMENT

§ 127.201 Sensing and alarm systems.

(a) Fixed sensors must have audio and visual alarms in the control room and audio alarms nearby.

(b) Fixed sensors that continuously monitor for LNG vapors must—

(1) Be in each enclosed area where vapor or gas may accumulate; and

(2) Meet Section 9-4 of NFPA 59A.

(c) Fixed sensors that continuously monitor for flame, heat, or products of combustion must—

(1) Be in each enclosed or covered Class I, Division 1, hazardous location defined in Section 500-5(a) of NFPA 70 and each area in which flammable or combustible material is stored; and

(2) Meet Section 9-4 of NFPA 59A.

§ 127.203 Portable gas detectors.

The marine transfer area for LNG must have at least two portable gas detectors capable of measuring 0-100% of the lower flammable limit of methane.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.205 Emergency shutdown.

Each transfer system must have an emergency shutdown system that—

(a) Can be activated manually; and

(b) Is activated automatically when the fixed sensors under §127.201(b) measure LNG concentrations exceeding 40% of the lower flammable limit.

§ 127.207 Warning alarms.

(a) The marine transfer area for LNG must have a rotating or flashing amber light with a minimum effective flash intensity, in the horizontal plane, of 5000 candelas. At least 50% of the required effective flash intensity must be maintained in all directions from 1.0 degree above to 1.0 degree below the horizontal plane.

(b) The marine transfer area for LNG must have a siren with a minimum $\frac{1}{3}$ -octave band sound pressure level at 1 meter of 125 decibels referenced to 0.0002 microbars. The siren must be located so that the sound signal produced is audible over 360 degrees in a horizontal plane.

(c) Each light and siren must be located so that the warning alarm is not

obstructed for a distance of 1.6 km (1 mile) in all directions.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

OPERATIONS

§ 127.301 Persons in charge of shore-side transfer operations: Qualifications and certification.

(a) No person may serve, and the operator of the waterfront facility handling LNG may not use the services of any person, as a person in charge of shore-side transfer operations, unless that person—

(1) Has at least 48 hours of LNG transfer experience;

(2) Knows the hazards of LNG;

(3) Knows the rules of this subpart; and

(4) Knows the procedures in the examined *Operations Manual* and the examined *Emergency Manual*.

(b) Before a person in charge of shore-side transfer operations supervises a transfer, the operator shall certify in writing that the criteria in paragraph (a) of this section are met. The operator shall maintain a copy of each current certification available for inspection at the waterfront facility handling LNG.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.303 Compliance with suspension order.

If an order to suspend is given to the operator or owner of the waterfront facility handling LNG, no LNG transfer operations may be conducted at the facility until the order is withdrawn by the COTP.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.305 Operations Manual.

Each *Operations Manual* must contain—

(a) A description of the transfer system including mooring areas, transfer connections, control rooms, and diagrams of the piping and electrical systems;

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(b) The duties of each person assigned for transfer operations;

(c) The maximum relief valve setting or maximum allowable working pressure of the transfer system;

(d) The facility telephone numbers of facility supervisors, persons in charge of shoreside transfer operations, personnel on watch in the marine transfer area for LNG, and security personnel;

(e) A description of the security systems for the marine transfer area for LNG;

(f) The procedures for—

(1) Transfer operations including gauging, cool down, pumping, venting, and shutdown;

(2) Transfer operations start-up and shutdown;

(3) Security violations; and

(4) The communications systems; and

(g) A description of the training programs established under § 127.503.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.307 Emergency Manual.

Each *Emergency Manual* must contain—

(a) LNG release response procedures, including contacting local response organizations;

(b) Emergency shutdown procedures;

(c) A description of the fire equipment and systems and their operating procedures;

(d) A description of the emergency lighting and emergency power systems;

(e) The telephone numbers of local Coast Guard units, hospitals, fire departments, police departments, and other emergency response organizations;

(f) If the waterfront facility handling LNG has personnel shelters, the location of and provisions in each shelter;

(g) First aid procedures and if there are first aid stations, the locations of each station; and

(h) Emergency procedures for mooring and unmooring a vessel.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.309 Operations Manual and Emergency Manual: Use.

The operator shall ensure that—

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(a) LNG transfer operations are not conducted unless the waterfront facility handling LNG has an examined *Operations Manual* and examined *Emergency Manual*;

(b) Each transfer operation is conducted in accordance with the examined *Operations Manual*; and

(c) Each emergency response is in accordance with the examined *Emergency Manual*.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.311 Motor vehicles.

(a) The operator shall designate and mark parking spaces that—

(1) Do not block fire lanes;

(2) Do not impede any exits;

(3) Are not located in any impounding space; and

(4) Are not within 15 meters (49.2 feet) of any storage tank or loading flange.

(b) During transfer operations, no person may—

(1) Stop or park a motor vehicle in a space that is not designated a parking space; or

(2) Refuel any motor vehicle.

§ 127.313 Bulk storage.

(a) The operator shall ensure that only the following flammable materials are stored in the marine transfer area for LNG:

(1) LNG.

(2) LPG.

(3) Vessel fuel.

(4) Oily waste from vessels.

(5) Solvents, lubricants, paints, and other fuels in the amount used for one day's operations and maintenance.

(b) Flammable liquids must be stored in accordance with Chapter 4 of NFPA 30.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.315 Preliminary transfer inspection.

Before transferring LNG, the person in charge of shoreside transfer operations shall—

(a) Inspect the transfer piping and equipment to be used during the transfer and replace any worn or inoperable parts;

(b) For each of the vessel's cargo tanks from which cargo will be transferred, note the pressure, temperature, and volume to ensure they are safe for transfer;

(c) Review and agree with the person in charge of cargo transfer on the vessel to—

(1) The sequence of transfer operations;

(2) The transfer rate;

(3) The duties, location, and watches of each person assigned for transfer operations; and

(4) Emergency procedures from the examined *Emergency Manual*;

(d) Ensure that transfer connections allow the vessel to move to the limits of its moorings without placing strain on the loading arm or transfer piping system;

(e) Ensure that each part of the transfer system is aligned to allow the flow of LNG to the desired location;

(f) Ensure that warning signs that warn that LNG is being transferred, are displayed;

(g) Eliminate all ignition sources in the marine transfer area for LNG;

(h) Ensure that personnel are on duty in accordance with the examined *Operations Manual*; and

(i) Test the following to determine that they are operable:

(1) The sensing and alarm systems.

(2) The emergency shutdown system.

(3) The communication systems.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.317 Declaration of inspection.

(a) After the preliminary transfer inspection under § 127.315 has been satisfactorily completed, the person in charge of shoreside transfer operations shall ensure that no person transfers LNG until a Declaration of Inspection that meets paragraph (c) of this section is executed and signed in duplicate.

(b) The person in charge of shoreside transfer operations shall give one signed copy of the Declaration of Inspection to the person in charge of transfer operations on the vessel, and

shall retain one signed copy at the waterfront facility handling LNG for 30 days after completion of the transfer.

(c) Each Declaration of Inspection must contain—

(1) The name of the vessel and the waterfront facility handling LNG;

(2) The date and time that transfer operations begin;

(3) A list of the requirements in § 127.315 with the initials of the person in charge of shoreside transfer operations after each requirement, indicating that the requirement is met;

(4) The signature of the person in charge of shoreside transfer operations and the date and time of signing, indicating that he or she is ready to begin transfer operations; and

(5) The signature of each relief person in charge and the date and time of each relief.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.319 LNG transfer.

During LNG transfer operations, the following must be met:

(a) The operator of the waterfront facility handling LNG shall ensure that—

(1) The marine transfer area for LNG is under the supervision of a person in charge, who has no other assigned duties during the transfer operation;

(2) Personnel transferring fuel or oily waste are not involved in LNG transfer; and

(3) No vessels are moored outboard of any LNG vessel without the permission of the COTP.

(b) The person in charge of shoreside transfer operations shall—

(1) Be in continuous communication with the person in charge of transfer operations on the vessel;

(2) Ensure that an inspection of the transfer piping and equipment for leaks, frost, defects, and other symptoms of safety and operational problems is conducted at least once every transfer;

(3) Ensure that transfer operations are discontinued—

(i) Before electrical storms or uncontrolled fires are adjacent to the marine transfer area for LNG; and

(ii) As soon as a fire is detected; and

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(4) Ensure that the lighting systems are turned on between sunset and sunrise.

NOTE: Vessel transfer requirements are published in 46 CFR part 154.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.321 Release of LNG.

(a) The operator of the waterfront facility handling LNG shall ensure that—

(1) No person releases LNG into the navigable waters of the United States; and

(2) If there is a release of LNG, vessels near the facility are notified of the release by the activation of the warning alarm.

(b) If there is a release of LNG, the person in charge of shoreside transfer operations shall—

(1) Immediately notify the person in charge of cargo transfer on the vessel of the intent to shutdown;

(2) Shutdown transfer operations;

(3) Notify the COTP of the release; and

(4) Not resume transfer operations until authorized by the COTP.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

MAINTENANCE

§ 127.401 Maintenance: General.

The operator of the waterfront facility handling LNG shall ensure that the equipment required under this part is maintained in a safe condition so that it does not cause a release or ignition of LNG.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.403 Inspections.

The operator shall conduct a visual inspection for defects of each pressure-relief device not capable of being tested, at least once each calendar year, with intervals between inspections not exceeding 15 months, and make all repairs in accordance with § 127.405.

§ 127.405 Repairs.

The operator shall ensure that—

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(a) Equipment repairs are made so that—

(1) The equipment continues to meet the applicable requirements in this subpart and in NFPA 59A; and

(2) Safety is not compromised; and

(b) Welding is done in accordance with NFPA 51B and NFPA 59A, Chapter 6, Section 6-3.4.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.407 Testing.

(a) The operator shall pressure test under paragraph (b) of this section the transfer system, including piping, hoses, and loading arms, and verify the set pressure of the safety and relief valves—

(1) After the system or the valves are altered;

(2) After the system or the valves are repaired;

(3) After any increase in the MAWP; or

(4) For those components that are not continuously kept at cryogenic temperature, at least once each calendar year, with intervals between testing not exceeding 15 months.

(b) The pressure for the transfer system test under paragraph (a) of this section must be at 1.1 times the MAWP and be held for a minimum of 30 minutes.

§ 127.409 Records.

(a) The operator shall keep on file the following information:

(1) A description of the components tested under § 127.407.

(2) The date and results of the test under § 127.407.

(3) A description of any corrective action taken after the test.

(b) The information required by this section must be retained for 24 months.

PERSONNEL TRAINING

§ 127.501 Applicability.

The training required by this subpart must be completed before LNG is transferred.

§ 127.503 Training: General.

The operator shall ensure that each of the following is met:

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(a) All full-time employees have training in the following subjects:

(1) Basic LNG firefighting procedures.

(2) LNG properties and hazards.

(b) In addition to the training under paragraph (a) of this section, each person assigned for transfer operations has training in the following subjects:

(1) The examined *Operations Manual* and examined *Emergency Manual*.

(2) Advanced LNG firefighting procedures.

(3) Security violations.

(4) LNG vessel design and cargo transfer operations.

(5) LNG release response procedures.

(6) First aid procedures for—

(i) Frostbite;

(ii) Burns;

(iii) Cardio-pulmonary resuscitation; and

(iv) Transporting injured personnel.

(c) The personnel who received training under paragraphs (a) and (b) of this section receive refresher training in the same subjects at least once every five years.

FIREFIGHTING

§ 127.601 Fire equipment: General.

(a) Fire equipment and systems provided in addition to the requirements in this subpart must meet the requirements of this subpart.

(b) The following must be red or some other conspicuous color and be in locations that are readily accessible:

(1) Hydrants and standpipes.

(2) Hose stations.

(3) Portable fire extinguishers.

(4) Fire monitors.

(c) Fire equipment, if applicable, must bear the approval of Underwriters Laboratories, Inc., the Factory Mutual Research Corp., or the Coast Guard.

§ 127.603 Portable fire extinguishers.

Each marine transfer area for LNG must have—

(a) Portable fire extinguishers that meet 9-6.1 of NFPA 59A and Chapter 3 of NFPA 10; and

(b) At least one portable fire extinguisher in each designated parking area.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.605 Emergency outfits.

(a) There must be an emergency outfit for each person whose duties include fighting fires, but there must be at least two emergency outfits. Each emergency outfit must include—

(1) One explosion-proof flashlight;

(2) Boots and gloves of rubber or other electrically nonconducting material;

(3) A rigid helmet that protects the head against impact;

(4) Water resistant clothing that also protects the body against fire; and

(5) U.S. Bureau of Mines approved self-contained breathing apparatus.

(b) Emergency outfits under paragraph (a) of this section must be in locations that are readily accessible and marked for easy recognition.

§ 127.607 Fire main systems.

(a) Each marine transfer area for LNG must have a fire main system that provides at least two water streams to each part of the LNG transfer piping and connections, one of which must be from a single length of hose or from a fire monitor.

(b) The fire main must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection to isolate damaged sections.

(c) The fire main system must have the capacity to supply—

(1) Simultaneously all fire hydrants, standpipes, and fire monitors in the system; and

(2) At a Pitot tube pressure of 618 kilonewtons per square meter (75 p.s.i.), the two outlets having the greatest pressure drop between the source of water and the hose or monitor nozzle, when only those two outlets are open.

(d) If the source of water for the fire main system is capable of supplying a pressure greater than the system's design working pressure, the system must have at least one pressure relief device.

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(e) Each fire hydrant or standpipe must have at least one length of hose of sufficient length to meet paragraph (a) of this section.

(f) Each length of hose must—

(1) Be 1½ inches or more in diameter and 30.5 meters (100 feet) or less in length;

(2) Be on a hose rack or reel;

(3) Be connected to the hydrant or standpipe at all times; and

(4) Have a Coast Guard approved combination solid stream and water spray fire hose nozzle.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.609 Dry chemical systems.

(a) Each marine transfer area for LNG must have a dry chemical system that provides at least two dry chemical discharges to the area surrounding the loading arms, one of which must be—

(1) From a monitor; and

(2) Actuated and, except for pre-aimed monitors, controlled from a location other than the monitor location.

(b) The dry chemical system must have the capacity to supply simultaneously or sequentially each hose or monitor in the system for 45 seconds.

(c) Each dry chemical hose station must have at least one length of hose that—

(1) Is on a hose rack or reel; and

(2) Has a nozzle with a valve that starts and stops the flow of dry chemical.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.611 International shore connection.

The marine transfer area for LNG must have an international shore connection that is in accordance with ASTM F 1121 (incorporated by reference, see § 127.003), a 2½ inch fire hydrant, and 2½ inch fire hose of sufficient length to connect the fire hydrant to the international shore connection on the vessel.

[CGD 88-032, 56 FR 35819, July 29, 1991, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995; USCG-2000-7223, 65 FR 40057, June 29, 2000]

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§ 127.613 Smoking.

In the marine transfer area for LNG, the operator shall ensure that no person smokes when there is LNG present.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.615 Fires.

In the marine transfer area for LNG, the operator shall ensure that there are no fires when there is LNG present.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.617 Hotwork.

The operator shall ensure that no person conducts welding, torch cutting, or other hotwork unless that person has a permit from the COTP.

SECURITY

§ 127.701 Security on existing facilities.

The operator shall ensure that any security procedure and arrangement on existing facilities, that were in use when LNG transfer operations were last conducted, be continued and maintained, or upgraded, whenever LNG transfer operations are conducted.

§ 127.703 Access to the marine transfer area for LNG.

The operator shall ensure that—

(a) Access to the marine transfer area for LNG from the shoreside and the waterside is limited to—

(1) Personnel who work at the waterfront facility handling LNG including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business;

(2) Coast Guard personnel; and

(3) Other persons authorized by the operator; and

(b) No person is allowed into the marine transfer area for LNG unless that person is identified by a waterfront facility handling LNG-issued identification card or other identification card displaying his or her photograph, or is

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an escorted visitor displaying an identifying badge.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.705 Security systems.

The operator shall ensure that security patrols of the marine transfer area for LNG are conducted once every hour, or that a manned television monitoring system is used, to detect—

- (a) Unauthorized personnel;
- (b) Fires; and
- (c) LNG releases.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

§ 127.707 Security personnel.

The operator shall ensure that no person is assigned security patrol duty unless that person has been instructed on security violation procedures.

§ 127.709 Protective enclosures.

The following must be within a fence or wall that prevents trespassing:

- (a) Impounding spaces.
- (b) Control rooms and stations.
- (c) Electrical power sources.

§ 127.711 Communications.

The marine transfer area for LNG must have a means of direct communications between the security patrol and other operating or security personnel on duty on the waterfront facility handling LNG.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

Subpart C—Waterfront Facilities Handling Liquefied Hazardous Gas

SOURCE: CGD 88-049, 60 FR 39796, Aug. 3, 1995, unless otherwise noted.

DESIGN AND CONSTRUCTION

§ 127.1101 Piping systems.

Each piping system within the marine transfer area for LHG used for the transfer of LHG must meet the following criteria:

(a) Each system must be designed and constructed in accordance with ASME B31.3.

(b) Each pipeline on a pier or wharf must be located so that it is not exposed to physical damage from vehicular traffic or cargo-handling equipment. Each pipeline under navigable waters must be covered or protected to meet 49 CFR 195.248.

(c) The transfer manifold of each liquid transfer line and of each vapor return line must have an isolation valve with a bleed connection, such that transfer hoses and loading arms can be blocked off, drained or pumped out, and depressurized before disconnecting. Bleeds or vents must discharge to a safe area such as a tank or flare.

(d) In addition to the isolation valve at the transfer manifold, each liquid-transfer line and each vapor return line must have a readily accessible isolation valve located near the edge of the marine transfer area for LHG.

(e) Each power-operated isolation valve must be timed to close so that it will not produce a hydraulic shock capable of causing failure of the line or equipment. Unless the layout of the piping allows the isolation valve at the transfer manifold to close within 30 seconds without creating excessive stresses on the system, the layout must be reconfigured to reduce the stresses to a safe level.

(f) Each waterfront facility handling LHG that transfers to or from a vessel requiring vapor return during transfer must be equipped with a vapor return line designed to attach to the vessel's vapor connection.

(g) Where two or more LHGs are loaded or unloaded at the same facility, each manifold must be identified or marked to indicate each LHG it handles.

(h) Each pipeline used to transfer flammable liquids or vapors must be provided with precautions against static, lightning, and stray current in accordance with API RP 2003.

§ 127.1102 Transfer hoses and loading arms.

(a) Each hose within the marine transfer area for LHG used for the transfer of LHG or its vapors to or from a vessel must—

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(1) Be made of materials resistant to each LHG transferred, in both the liquid and vapor state (if wire braid is used for reinforcement, the wire must be of corrosion-resistant material, such as stainless steel);

(2) Be constructed to withstand the temperature and pressure foreseeable during transfer, with a MAWP not less than the maximum pressure to which it may be subjected and at least 1030 kPa gauge (149.4 psig);

(3) Be designed for a minimum bursting pressure of a least five times the MAWP;

(4) Have—

(i) Full-threaded connections;

(ii) Flanges that meet ANSI B16.5; or

(iii) Quick connect couplings that are acceptable to the Commandant;

(5) Be adequately supported against the weight of its constituent parts, the LHG, and any ice formed on it;

(6) Have no kinks, bulges, soft spots, or other defects that will let it leak or burst under normal working pressure; and

(7) Have a permanently attached nameplate that indicates, or otherwise be permanently marked to indicate—

(i) Each LHG for which it is suitable;

(ii) Its MAWP at the corresponding service temperature; and

(iii) If used for service at other than ambient temperature, its minimum service temperature.

(b) Each loading arm used for the transfer of LHG or its vapor must—

(1) Be made of materials resistant to each LHG transferred, in both the liquid and vapor state;

(2) Be constructed to withstand the temperature and pressure foreseeable during transfer;

(3) Be adequately supported against the weight of its constituent parts, the LHG, and any ice formed on it;

(4) Be provided with an alarm to indicate when it is approaching the limits of its extension, unless the examined Operations Manual requires a person to perform the same function; and

(5) Have a permanently attached nameplate that indicates, or otherwise be permanently marked to indicate—

(i) Each LHG it may handle;

(ii) Its MAWP at the corresponding service temperature; and,

(iii) If it is used for service at other than ambient temperature, its minimum service temperature.

§ 127.1103 Piers and wharves.

(a) Each new waterfront facility handling LHG, and all new construction in the marine transfer area for LHG of each existing facility, must comply with the standards for seismic design and construction in 49 CFR part 41.

(b) Each substructure on a new waterfront facility handling LHG, and all new construction in the marine transfer area for LHG of each existing facility, except moorings and breasting dolphins, that supports or is within 4.5 meters (14.8 feet) of any pipe or equipment containing a flammable LHG, or that is within 15 meters (49.2 feet) of a loading flange used to transfer a flammable LHG, must have a fire-endurance rating of not less than two hours.

§ 127.1105 Layout and spacing of marine transfer area for LHG.

Each new waterfront facility handling LHG, and all new construction in the marine transfer area for LHG of each existing facility, must comply with the following:

(a) Each building, shed, and other structure within each marine transfer area for LHG must be located, constructed, or ventilated to prevent the accumulation of flammable or toxic gases within the structure.

(b) Each impounding space for flammable LHGs located within the area must be designed and located so that the heat flux from a fire over the impounding space does not cause, to a vessel, damage that could prevent the vessel's movement.

(c) Each manifold, loading arm, or independent mating flange must be located at least 60 meters (197 feet) from each of the following structures, if that structure is intended primarily for the use of the general public or of railways:

(1) A bridge crossing a navigable waterway.

(2) The entrance to, or the superstructure of, a tunnel under a navigable waterway.

(d) Each manifold, loading arm, or independent mating flange must be located at least 30 meters (98.5 feet) from each public roadway or railway.

§ 127.1107 Electrical systems.

Electrical equipment and wiring must be of the kind specified by, and must be installed in accordance with, NFPA 70.

§ 127.1109 Lighting systems.

(a) Each waterfront facility handling LHG, at which transfers of LHG take place between sunset and sunrise, must have outdoor lighting that illuminates the marine transfer area for LHG.

(b) All outdoor lighting must be located or shielded so that it cannot be mistaken for any aids to navigation and does not interfere with navigation on the adjacent waterways.

(c) The outdoor lighting must provide a minimum average illumination on a horizontal plane 1 meter (3.3 feet) above the walking surface of the marine transfer area that is—

- (1) 54 lux (5 foot-candles) at any loading flange; and
- (2) 11 lux (1 foot-candle) for the remainder of the marine transfer area for LHG.

§ 127.1111 Communication systems.

(a) The marine transfer area for LHG must possess a communication system that enables continuous two way voice communication between the person in charge of transfer aboard the vessel and the person in charge of transfer for the facility.

(b) The communication system required by paragraph (a) of this section may consist either of fixed or portable telephones or of portable radios. The system must be usable and effective in all phases of the transfer and all weather at the facility.

(c) Devices used to comply with paragraph (a) of this section during the transfer of a flammable LHG must be listed as intrinsically safe by Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or other independent laboratory recognized by NFPA, for use in the hazardous location in which it is used.

§ 127.1113 Warning signs.

(a) The marine transfer area for LHG must have warning signs that—

- (1) Meet paragraph (b) of this section;
- (2) Can be seen from the shore and the water; and,

(3) Except as provided in paragraph (c) of this section, bear the following text:

Warning
Dangerous Cargo
No visitors
No Smoking
No Open Lights

(b) Each letter on the sign must be—

- (1) In block style;
- (2) Black on a white background; and
- (3) At least 7.6 centimeters (3 inches) high.

(c) The words “No Smoking” and “No Open Lights” may be omitted when the product being transferred is not flammable.

EQUIPMENT**§ 127.1203 Gas detection.**

(a) Each waterfront facility handling LHG that transfers a flammable LHG must have at least two portable gas detectors, or a fixed gas detector, in the marine transfer area for LHG. Each detector must be capable of indicating whether the concentration of flammable vapors exceeds 30% of the Lower Flammable Limit for each flammable product being transferred and must meet ANSI S12.13, Part I.

(b) Each waterfront facility handling LHG that transfers a toxic LHG, other than anhydrous ammonia, must have at least two portable gas detectors, or a fixed gas detector, available in the area. The detectors must be capable of showing whether the concentration of each toxic LHG being transferred is above, at, or below any Permissible Exposure Limit listed in 29 CFR 1910.1000, Table Z-1 or Z-2.

(c) Each gas detector required by paragraph (a) or (b) of this section must serve to detect leaks, check structures for gas accumulations, and indicate workers' exposure to toxic gases in the area.

[CGD 88-049, 60 FR 39797, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995]

§ 127.1205 Emergency shutdown.

(a) Each piping system used to transfer LHG or its vapors to or from a vessel must have a quick-closing shutoff valve to stop the flow of liquid and vapor from the waterfront facility handling LHG if a transfer hose or loading

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arm fails. This valve may be the isolation valve with a bleed connection required by § 127.1101(c).

(b) The valve required by paragraph (a) of this section must be located as near as practicable to the terminal manifold or loading-arm connection and must—

- (1) Close on loss of power;
- (2) Close from the time of activation in 30 seconds or less;
- (3) Be capable of local manual closing and remotely controlled closing; and,
- (4) If the piping system is used to transfer a flammable LHG, either have fusible elements that melt at less than 105 °C (221 °F) and activate the emergency shutdown, or have a sensor that performs the same function.

(c) A remote actuator for each valve must be located in a place accessible in an emergency, at least 15 meters (49.2 feet) from the terminal manifold or loading arm, and conspicuously marked with its designated function. When activated, the actuator must also automatically shut down any terminal pumps or compressors used to transfer LHG, or its vapors, to or from the vessel.

[CGD 88-049, 60 FR 39797, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995]

§ 127.1207 Warning alarms.

(a) Each marine transfer area for LHG must have a rotating or flashing amber light that is visible for at least 1,600 meters (1 mile) from the transfer connection in all directions.

(b) Each marine transfer area for LHG must also have a siren that is audible for at least 1,600 meters (1 mile) from the transfer connection in all directions.

(c) Each light and siren required by this section must be located so as to minimize obstructions. If any obstruction will prevent any of these alarms from meeting paragraph (a) or (b) of this section, the operator of the waterfront facility handling LHG shall propose for approval by the local COTP additional or alternative warning devices that provide an equivalent level of safety.

[CGD 88-049, 60 FR 39798, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995]

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§ 127.1209 Respiratory protection.

Each waterfront facility handling LHG must provide equipment for respiratory protection for each employee of the facility in the marine transfer area for LHG during the transfer of one or more of the following toxic LHGs; anhydrous ammonia, chlorine, dimethylamine, ethylene oxide, methyl bromide, sulphur dioxide, or vinyl chloride. The equipment must protect the wearer from the LHG's vapor for at least 5 minutes.

OPERATIONS

§ 127.1301 Persons in charge of transfers for the facility: Qualifications and certification.

(a) No person may serve, or use the services of any person, as a person in charge of transfers for the facility regulated under this subpart, unless that person—

- (1) Has at least 48 hours' transfer experience with each LHG being transferred;
- (2) Knows the hazards of each LHG being transferred;
- (3) Knows the rules of this subpart; and
- (4) Knows the procedures in the examined Operations Manual and the examined Emergency Manual.

(b) Before a person in charge of transfers for a waterfront facility handling LHG supervises a transfer of LHG, the operator of the facility shall certify in writing that that person has met the requirements in paragraph (a) of this section. The operator shall ensure that a copy of each current certification is available for inspection at the facility.

[CGD 88-049, 60 FR 39798, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995]

§ 127.1302 Training.

(a) Each operator of a waterfront facility handling LHG shall ensure that each person assigned to act as a person in charge of transfers for the facility has training in the following subjects:

- (1) Properties and hazards of each LHG being transferred to or from the facility.
- (2) Use of the gas detectors required by § 127.1203.

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(3) Use of the equipment for respiratory protection required by § 127.1209.

(4) Basic firefighting procedures, including the use of the portable fire extinguishers required by § 127.1503.

(5) Content and use of the examined Operations Manual and examined Emergency Manual.

(6) The configuration and limitations of cargo systems of LHG vessels.

(7) Procedures for transferring LHG to and from LHG vessels.

(8) Procedures for response to a release of the LHG handled by the facility.

(9) First aid for persons—

(i) With burns;

(ii) Needing cardio-pulmonary resuscitation;

(iii) Exposed to toxic liquid or toxic vapors (if a toxic LHG is handled by the facility); and

(iv) Needing transport to a medical facility.

(10) Restrictions on access to the marine transfer area for LHG.

(b) Each person that receives training under paragraph (a) of this section shall receive refresher training in the same subjects at least once every 5 years.

(c) The operator shall maintain, for each person trained, a record of all training provided under paragraphs (a) and (b) of this section. The operator shall retain these records for the duration of the person's employment on the waterfront facility plus 12 months.

(d) Training conducted to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor [29 CFR 1910.120] or the Environmental Protection Agency (EPA) [40 CFR 311.1] may be used to satisfy the requirements in paragraph (a) of this section, so far as the training addresses the requirements in paragraph (a) of this section.

§ 127.1303 Compliance with suspension order.

If the COTP issues to the owner or operator of a waterfront facility handling LHG an order to suspend a transfer, no transfer may take place at the

facility until the COTP withdraws the order.

§ 127.1305 Operations Manual.

Each Operations Manual must contain—

(a) A description of each liquid-transfer system and vapor transfer system, including each mooring area, transfer connection, and (where installed) control room, and a diagram of the piping and electrical systems;

(b) The duties of each person assigned to transfers;

(c) The maximum relief-valve setting or MAWP of the transfer system;

(d) The telephone numbers of supervisors, persons in charge of transfers for the facility, persons on watch in the marine transfer area for LHG, and security personnel of the facility;

(e) A description for each security system provided for the transfer area;

(f) A description of the training programs established under § 127.1302;

(g) The procedures to follow for security violations; and

(h) For each LHG handled, the procedures for transfer that include—

(1) Requirements for each aspect of the transfer (start-up, gauging, cooldown, pumping, venting, and shutdown);

(2) The maximum transfer rate;

(3) The minimum transfer temperature;

(4) Requirements for firefighting equipment; and

(5) Communication procedures.

§ 127.1307 Emergency Manual.

(a) Each Emergency Manual must contain—

(1) For each LHG handled—

(i) A physical description of the LHG;

(ii) A description of the hazards of the LHG;

(iii) First-aid procedures for persons exposed to the LHG or its vapors;

(iv) The procedures for response to a release of the LHG; and,

(v) If the LHG is flammable, the procedures for fighting a fire involving the LHG or its vapors;

(2) A description of the emergency shutdown required by § 127.1205;

(3) The procedures for emergency shutdown;

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(4) A description of the number, kind, place, and use of the fire equipment required by §127.1501(a) and of the portable fire extinguishers required by §127.1503;

(5) The telephone numbers of local Coast Guard units, hospitals, fire departments, police departments, and other emergency-response organizations;

(6) If the facility has personnel shelters, the place of and provisions in each shelter;

(7) If the facility has first-aid stations, the location of each station;

(8) Emergency procedures for mooring and unmooring a vessel; and,

(9) If an off-site organization is to furnish emergency response, a copy of the written agreement required by §127.1505(a)(2).

(b) The employee-emergency plan and fire-prevention plan required by OSHA in 29 CFR 1910.38 may be used to comply with this section to the extent that they address the requirements specified in paragraphs (a) (1) through (9) of this section.

[CGD 88-049, 60 FR 39799, Aug. 3, 1995; 60 FR 49509, Sept. 26, 1995]

§ 127.1309 Operations Manual and Emergency Manual: Use.

Each operator of a waterfront facility handling LHG shall ensure that—

(a) No transfer is conducted unless the facility has an examined Operations Manual and an examined Emergency Manual;

(b) Each transfer is conducted in accordance with the examined Operations Manual; and

(c) Each emergency response is conducted in accordance with the examined Emergency Manual.

§ 127.1311 Motor vehicles.

(a) When LHG is being transferred or stored in the marine transfer area of a waterfront facility handling LHG, the operator shall ensure that no person—

(1) Stops or parks a motor vehicle in a space other than a designated parking space;

(2) Refuels a motor vehicle within the area; or

(3) Operates a vehicle or other mobile equipment that constitutes a potential source of ignition within 15 meters (49.2

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feet) of any storage container, manifold, loading arm, or independent mating flange containing a flammable liquid or vapor.

(b) If motor vehicles are permitted to stop in the marine transfer area for LHG, the operator shall designate and mark parking spaces that—

(1) Do not block fire lanes;

(2) Do not impede any entrances or exits; and

(3) Are not located within 15 meters (49.2 feet) of any storage container, manifold, loading arm, or independent mating flange containing a flammable liquid or vapor.

§ 127.1313 Storage of hazardous materials.

(a) Each operator of a waterfront facility handling LHG shall ensure that no materials listed in the table of hazardous materials under 49 CFR 172.101, except for the following, are stored in the marine transfer area for LHG:

(1) The LHG being transferred.

(2) Fuel required by the vessel, or by emergency equipment in the area.

(3) Oily wastes received from vessels.

(4) Solvents, lubricants, paints and similar materials in the amount required for one day's operations and maintenance.

(b) The operator shall ensure that flammable liquids not stored in bulk are stored in accordance with Chapter 4 of NFPA 30.

§ 127.1315 Preliminary transfer inspection.

Before each transfer, the person in charge of transfer for the facility shall—

(a) Inspect piping and equipment within the marine transfer area for LHG to be used for transfer and ensure that it meets the requirements in this part;

(b) Determine the contents, pressure, temperature, and capacity of each storage tank to or from which LHG will be transferred, to ensure that it is safe for transfer;

(c) Confer with the person in charge of transfer aboard the vessel, to review and agree on—

(1) The sequence of acts required for transfer;

(2) The rate, maximum working pressure, and minimum working temperature of transfer;

(3) The duties, stations, and watches of each person assigned for transfer; and

(4) The emergency procedures in the examined Emergency Manual;

(d) Ensure that the vessel is securely moored and that the transfer connections allow it to move to the limits of its moorings without placing a strain on the piping, hose, or loading arm used for transfer;

(e) Ensure that each part of the transfer system is aligned to allow the flow of LHG to the desired place;

(f) Ensure the display of the warning signs required by § 127.1113;

(g) Ensure that the requirements of this part concerning smoking and fire protection are met;

(h) Ensure that qualified personnel are on duty in accordance with the examined Operations Manual and §§ 127.1301 and 127.1302; and

(i) Test the following to determine that they are operable:

(1) The communication system required by § 127.1111.

(2) The gas detectors required by § 127.1203.

§ 127.1317 Declaration of Inspection.

(a) Each person in charge of transfer for the facility shall ensure that no person transfers LHG to or from a vessel until a Declaration of Inspection that meets paragraph (c) of this section is executed and signed by both the person in charge aboard the vessel and the person in charge for the facility.

(b) No person in charge of transfer for the facility may sign the Declaration unless that person has fulfilled the requirements of § 127.1315 and has indicated fulfillment of each requirement by writing his or her initials in the appropriate space on the Declaration.

(c) Each Declaration must contain—

(1) The name of the vessel and that of the facility;

(2) The date and time that the transfer begins;

(3) A list of the requirements in § 127.1315 with the initials of both the person in charge aboard the vessel and the person in charge for the facility

after each requirement, indicating the fulfillment of the requirement;

(4) The signatures of both the person in charge aboard the vessel and the person in charge for the facility, and the date and time of signing, indicating that they are both ready to begin transfer; and

(5) The signature of each relief person in charge and the date and time of each relief.

(d) The person in charge of transfer for the facility shall give one signed copy of the Declaration to the person in charge of transfer aboard the vessel and retain the other.

(e) Each operator of a facility shall retain a signed copy of the Declaration at the facility for 30 days after the transfer.

§ 127.1319 Transfer of LHG.

(a) The operator of a waterfront facility handling LHG shall notify the COTP of the time and place of each transfer of LHG in bulk at least 4 hours before it begins.

(b) During transfer, each operator of a waterfront facility handling LHG shall ensure that—

(1) The marine transfer area for LHG is under the supervision of a person in charge certified for transfers of LHG, who has no other assigned duties during the transfer;

(2) The person in charge supervises transfers only to or from one vessel at a time unless authorized by the COTP.

(3) No person transferring fuel or oily waste is involved in the transfer; and

(4) No vessel is moored outboard of any LHG vessel unless allowed by the COTP or the examined Operations Manual of the facility.

(c) During transfer, each person in charge of transfer for the facility shall—

(1) Maintain communication with the person in charge of transfer aboard the LHG vessel;

(2) Ensure that an inspection of the transfer piping and equipment for leaks, frost, defects, and other threats to safety takes place at least once every transfer;

(3) Ensure that—

(i) Transfer of LHG is discontinued as soon as a release or fire is detected in the area or aboard the vessel; and

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(ii) Transfer of flammable LHG is discontinued when electrical storms or uncontrolled fires approach near the area; and

(4) Ensure that the outdoor lighting required by §127.1109 is turned on between sunset and sunrise.

(d) Upon completion of transfer of LHG, each operator of a waterfront facility handling LHG shall ensure that hoses and loading arms used for transfer are drained of LHG residue and depressurized before disconnecting from the vessel.

NOTE TO §127.1319: Corresponding standards for vessels appear at 46 CFR part 154.

§ 127.1321 Release of LHG.

(a) Each operator of a waterfront facility handling LHG shall ensure that—

(1) No person intentionally releases LHG into the environment; and

(2) If a release of LHG or its vapor threatens vessels or persons outside the marine transfer area for LHG, they are notified by the warning devices.

(b) If LHG or its vapor is released, the person in charge of transfer for the facility shall—

(1) Immediately notify the person in charge of transfer aboard the vessel that transfer must be shut down;

(2) Shut down transfer in coordination with the person aboard the vessel;

(3) Notify the COTP of the release; and

(4) Not resume transfer until authorized by the COTP.

§ 127.1325 Access to marine transfer area for LHG.

Each operator of a waterfront facility handling LHG shall ensure that—

(a) Access to the marine transfer area for LHG from shoreline and waterside is limited to—

(1) Personnel who work in the area, transfer personnel, vessel personnel, and delivery and service personnel in the course of their business;

(2) Federal, State, and local officials; and

(3) Other persons authorized by the operator;

(b) Each person allowed into the area is positively identified as someone authorized to enter and that each person other than an employee of the facility displays an identifying badge;

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(c) Guards are stationed, and fences or other devices are installed, to prevent, detect, and respond to unauthorized access, fires, and releases of LHG in the area, except that alternative measures approved by the COTP (such as electronic monitoring or random patrols) will be sufficient where the stationing of guards is impracticable; and

(d) Coast Guard personnel are allowed access to the facility, at any time, to make any examination or to board any vessel moored at the facility.

MAINTENANCE

§ 127.1401 General.

Each operator of a waterfront facility handling LHG shall ensure that all cargo handling equipment is operable, and that no equipment that may cause the release or ignition of LHG is used in the marine transfer area for LHG.

§ 127.1403 Inspections.

(a) Each operator of a waterfront facility handling LHG shall conduct a visual inspection for defects of each pressure relief device not capable of being tested.

(b) The operator shall conduct the inspection required by paragraph (a) of this section at least once each calendar year, with intervals between inspections not exceeding 15 months.

§ 127.1405 Repairs.

Each operator of a waterfront facility handling LHG shall ensure that—

(a) Equipment is repaired so that—

(1) The equipment continues to meet the applicable requirements in this subpart; and

(2) Safety is not compromised; and

(b) Welding and cutting meet NFPA 51B.

§ 127.1407 Tests.

(a) Each operator of a waterfront facility handling LHG shall conduct a static liquid-pressure test of the piping, hoses, and loading arms of the LHG-transfer system located in the marine transfer area for LHG, and shall verify the set pressure of the safety and relief valves—

(1) After the system or the valves are altered;

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(2) After major repairs to the system or the valves;

(3) After any increase in the MAWP of the system; and

(4) At least once each calendar year, with intervals between tests not exceeding 15 months.

(b) The pressure for the test under paragraph (a) of this section must be at least 1.1 times the MAWP and last for at least 30 minutes.

(c) The operator shall conduct a test of each pressure gauge, to ensure that the displayed pressure is within 10 percent of the actual pressure, at least once each calendar year, with intervals between tests not exceeding 15 months.

(d) The operator shall conduct a test of each item of remote operating or indicating equipment, such as a remotely operated valve, at least once each calendar year, with intervals between tests not exceeding 15 months.

(e) The operator shall conduct a test of the emergency shutdown required by § 127.1205 at least once every two months, to ensure that it will perform as intended. If transfers of LHG occur less often than every two months, the operator may conduct this test before each transfer instead of every two months.

(f) The operator shall conduct a test of the warning alarm required by § 127.1207 at least once every six months, to ensure that it will perform as intended. If transfers of LHG occur less often than every six months, the operator may conduct this test before each transfer instead of every six months.

§ 127.1409 Records.

(a) Each operator of a waterfront facility handling LHG shall keep on file:

(1) A description of the components inspected or tested under § 127.1403 or 127.1407.

(2) The date and results of each inspection or test under § 127.1403 or 127.1407.

(3) A description of any repair made after the inspection or test.

(4) The date and a description of each alteration or major repair to the LHG transfer system or its valves.

(b) The operator shall keep this information on file for at least 24 months

after the inspection, test, alteration, or major repair.

FIREFIGHTING EQUIPMENT

§ 127.1501 General.

(a) The number, kind, and place of equipment for fire detection, protection, control, and extinguishment must be determined by an evaluation based upon sound principles of fire-protection engineering, analysis of local conditions, hazards within the waterfront facility handling LHG, and exposure to other property. A description of the number, kind, place, and use of fire equipment determined by this evaluation must appear in the Emergency Manual for each facility. The evaluation for each new facility and for all new construction on each existing facility must be submitted to the COTP for review when the emergency manual is submitted under § 127.1307.

(b) All fire equipment for each facility must be adequately maintained, and periodically inspected and tested, so it will perform as intended.

(c) The following must be red or some other conspicuous color and be in places that are readily accessible:

(1) Hydrants and standpipes.

(2) Hose stations.

(3) Portable fire extinguishers.

(4) Fire monitors.

(d) Fire equipment must bear the approval, if applicable, of Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or other independent laboratory recognized by NFPA.

[CGD 88-049, 60 FR 39796, Aug. 3, 1995, as amended by USCG-1999-5832, 64 FR 34714, June 29, 1999]

§ 127.1503 Portable fire extinguishers.

Each operator of a waterfront facility handling LHG must provide portable fire extinguishers of appropriate, number, size, and kind in the marine transfer area for LHG in accordance with NFPA 10.

§ 127.1505 Emergency response and rescue.

(a) Each waterfront facility handling LHG must arrange for emergency response and rescue pending the arrival

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of resources for firefighting or pollution control. Response and rescue may be performed by facility personnel or by an off-site organization.

(1) If response and rescue are performed by facility personnel, appropriate training and equipment for personnel protection must be furnished to those personnel. Training and equipment that meets 29 CFR 1910.120, hazardous-waste operations and emergency response, will be appropriate.

(2) If response and rescue are performed by an off-site organization, the organization must enter into a written agreement with the facility indicating the services it will perform and the time within which it will perform them to injured or trapped personnel.

(b) [Reserved]

§ 127.1507 Water systems for fire protection.

(a) Each waterfront facility handling LHG must have a supply of water and a means for distributing and applying the water to protect personnel; to cool storage tanks, equipment, piping, and vessels; and to control unignited leaks and spills in the marine transfer area for LHG except when the evaluation required by § 127.1501(a) indicates otherwise. The evaluation must address fire protection for structures, cargo, and vessels. Each water system must include on the pier or wharf at least one 2½-inch supply line, one 2½-inch fire hydrant, and enough 2½-inch hose to connect the hydrant to the vessel.

(b) Each water system must fully and simultaneously supply, for at least 2 hours, all fixed fire-protection systems, including monitor nozzles, at their designed flow and pressure for the worst single incident foreseeable, plus 63 L/s (1000 gpm) for streams from hand-held hoses.

§ 127.1509 Equipment for controlling and extinguishing fires.

(a) Within each marine transfer area for LHG of each waterfront facility handling LHG that transfers a flammable LHG, portable or wheeled fire extinguishers suitable for gas fires, preferably dry chemical extinguishers, must be available at strategic sites, as determined by the evaluation required by § 127.1501(a).

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(b) Fixed systems for extinguishing or controlling fires may be appropriate for protection against particular hazards. The evaluation required by § 127.1501(a) may specify the use of one or more of the following fixed systems:

(1) Low-, medium-, or high-expansion foam.

(2) Dry chemicals.

(3) Water applied as deluge, spray, or sprinkle.

(4) Carbon dioxide.

(5) Other NFPA approved fire extinguishing media.

§ 127.1511 International shore connection.

Each marine transfer area for LHG that receives foreign flag vessels must have an international shore connection meeting the requirements of ASTM F 1121 (incorporated by reference, see § 127.003).

[CGD 88-049, 60 FR 39796, Aug. 3, 1995, as amended by USCG-2000-7223, 65 FR 40057, June 29, 2000]

FIRE PROTECTION

§ 127.1601 Smoking.

Each operator of a waterfront facility handling LHG shall ensure that no person smokes in the marine transfer area for LHG unless—

(a) Neither flammable LHG nor its vapors are present in the area; and

(b) The person is in a place designated and marked in accordance with local law.

§ 127.1603 Hotwork.

Each operator of a waterfront facility handling LHG shall ensure that no person conducts welding, torch cutting, or other hotwork on the facility, or on a vessel moored to the facility, unless—

(a) The COTP has issued a permit for that hotwork; and

(b) The conditions of the permit are met.

§ 127.1605 Other sources of ignition.

Each operator of a waterfront facility handling LHG shall ensure that in the marine transfer area for LHG—

(a) There are no open fires or open flame lamps;

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(b) Heating equipment will not ignite combustible material;

(c) Each chimney and appliance has a spark arrestor if it uses solid fuel or is located where sparks may ignite combustible material; and

(d) All rubbish, debris, and waste go into appropriate receptacles.

[CGD 88-049, 60 FR 39796, Aug. 3, 1995, as amended by CGD 97-023, 62 FR 33363, June 19, 1997]

PART 128—SECURITY OF PASSENGER TERMINALS

Subpart A—General

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AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

SOURCE: CGD 91-012, 61 FR 37654, July 18, 1996, unless otherwise noted.

EDITORIAL NOTE: For a document relating to clarification of part 128, see 61 FR 51597, Oct. 3, 1996.

Subpart A—General

§ 128.100 Does this part apply to me?

This part applies to all passenger terminals in the United States or its territories when being used for the assembling, processing, embarking, or disembarking of passengers or baggage for passenger vessels over 100 gross tons, carrying more than 12 passengers for hire; making a voyage lasting more

than 24 hours, any part of which is on the high seas. It does not apply to terminals when serving ferries that hold Coast Guard Certificates of Inspection endorsed for “Lakes, Bays, and Sounds”, and that transit international waters for only short periods of time, on frequent schedules.

§ 128.110 Definitions.

The definitions in part 120 of this chapter apply to this part, except for the definition of *You*. As used in this part:

You means the owner or operator of a passenger terminal.

[CGD 91-012, 63 FR 53591, Oct. 6, 1998]

§ 128.120 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must make the material available to the public. All approved material may be inspected at the U.S. Coast Guard, (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies may be obtained from IMO, 4 Albert Embankment, London SE1 7 SR.

(b) The materials approved for incorporation by reference in this part and the sections affected are:

INTERNATIONAL MARITIME ORGANIZATION (IMO)

4 Albert Embankment, London SE1 7SR

MSC Circular 443, Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships September 26, 1986—128.220, 128.300

[CGD 91-012, 61 FR 37654, July 18, 1996, as amended by USCG-2002-12471, 67 FR 41332, June 18, 2002; 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36283, June 25, 2010]

Subpart B—Security Program

§ 128.200 What must my Terminal Security Plan cover?

(a) If this part applies to your passenger terminal, you must implement for that terminal a program that—

(1) Provides for the safety and security of persons and property in the terminal and aboard each passenger vessel subject to part 120 of this chapter moored at the terminal, against unlawful acts;

(2) Prevents or deters the carriage aboard any such vessel moored at the terminal of any prohibited weapon, incendiary, or explosive on or about any person or within his or her personal articles or baggage, and the carriage of any prohibited weapon, incendiary, or explosive in stowed baggage, cargo, or stores;

(3) Prevents or deters unauthorized access to any such vessel and to restricted areas in the terminal;

(4) Provides appropriate security measures for Security Levels I, II, and III that allow for increases in security when the Commandant or Captain of the Port (COTP) advises you that a threat of an unlawful act exists and may affect the terminal, a vessel, or any person aboard the vessel or terminal;

(5) Designates, by name, a security officer for the terminal;

(6) Provides for the evaluation of all security personnel of the terminal, before hiring, to determine suitability for employment; and

(7) Provides for coordination with vessel security while any passenger vessel subject to part 120 of this chapter is moored at the terminal.

(b) If this part applies to your passenger terminal, you must work with the operator of each passenger vessel subject to part 120 of this chapter, to provide security for the passengers, the terminal, and the vessel. You need not duplicate any provisions fulfilled by the vessel unless directed to by the COTP. When a provision is fulfilled by a vessel, the applicable section of the Terminal Security Plan required by § 128.300 must refer to that fact.

[CGD 91–012, 63 FR 53591, Oct. 6, 1998]

§ 128.210 What are the responsibilities of my terminal security officer?

(a) If this part applies to your passenger terminal, you must designate a security officer for the terminal.

(b) This officer must ensure that—

(1) An initial comprehensive security survey is conducted and updated;

(2) The Terminal Security Plan required by § 128.300 is implemented and maintained, and that amendments to correct its deficiencies and satisfy the security requirements of the terminal are proposed;

(3) Adequate training for personnel responsible for security is provided;

(4) Regular security inspections of the terminal are conducted;

(5) Vigilance is encouraged, as well as is general awareness of security, at the terminal;

(6) All occurrences or suspected occurrences of unlawful acts and related activities are reported under § 128.220 and records of the incident are maintained; and

(7) Coordination, for implementation of the Terminal Security Plan required by § 128.300, takes place with the vessel security officer of each vessel that embarks or disembarks passengers at the terminal.

[CGD 91–012, 63 FR 53592, Oct. 6, 1998]

§ 128.220 What must I do to report an unlawful act and related activity?

(a) Either you or the terminal security officer must report each breach of security, unlawful act, or threat of an unlawful act against the terminal, a passenger vessel subject to part 120 of this chapter destined for or moored at that terminal, or any person aboard the terminal or vessel, to the COTP, to the local office of the Federal Bureau of Investigation (FBI), and to the local police agency having jurisdiction over the terminal.

(b) Either you or the terminal security officer must file a written report of the incident using the form “Report on an Unlawful Act,” contained in IMO MSC Circular 443, as soon as possible, to the local COTP.

[CGD 91–012, 63 FR 53592, Oct. 6, 1998]

Subpart C—Plans and Procedures for Terminal Security

§ 128.300 What is required to be in a Terminal Security Plan?

(a) If your passenger terminal is subject to this part, you must develop and maintain, in writing, for that terminal, an appropriate Terminal Security Plan that articulates the program required by § 128.200.

(b) The Terminal Security Plan must be developed and maintained under the guidance in IMO MSC Circular 443 and must address the security of passengers aboard passenger vessels subject to part 120 of this chapter, of members of crews of such vessels, and of employees of the terminal, by establishing security measures to take for Security Levels I, II, and III, to—

(1) Deter unauthorized access to the terminal and its restricted areas and to any passenger vessel moored at the terminal;

(2) Deter the introduction of prohibited weapons, incendiaries, and explosives into the terminal and its restricted areas and onto any passenger vessel moored at the terminal;

(3) Encourage vigilance, as well as general awareness of security, at the terminal;

(4) Provide adequate security training to employees of the terminal;

(5) Coordinate responsibilities for security with the operator of each vessel that embarks or disembarks passengers at the terminal; and

(6) Provide information to employees of the terminal and to law-enforcement personnel, in case of an incident affecting security.

(c) You must amend the Terminal Security Plan to address any known deficiencies.

(d) You must restrict the distribution, disclosure, and availability of information contained in the Terminal Security Plan to those persons with an operational need to know.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.305 Who must submit a Terminal Security Plan?

(a) The owner or operator of the vessel must submit a Terminal Security Plan whenever—

(1) There is an agreement with you that the owner or operator of the vessel will submit the Plan;

(2) The owner or operator of the vessel has exclusive use of the pier and terminal building immediately adjacent to the pier and has complete control of that area;

(3) There is no terminal; or

(4) Passengers embark or disembark but no baggage or stores are loaded or offloaded.

(b) In the situations described in paragraphs (a)(3) and (4) of this section, the owner or operator of the vessel may, with the permission of the cognizant COTP, use an annex to the vessel's security plan instead of a Terminal Security Plan.

(c) You must submit a Terminal Security Plan whenever—

(1) There is an agreement with the owner or operator of the vessel that you will submit the Plan;

(2) No security agreement exists; or

(3)(i) At least one vessel other than a passenger vessel uses the terminal;

(ii) More than one passenger vessel line uses the terminal; or

(iii) The terminal loads or offloads baggage or stores.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.307 What is the procedure for examination?

(a) Unless a plan for your passenger terminal will be submitted by an entity other than yourself under § 128.305 or § 120.303 of this chapter, you must submit two copies of each Terminal Security Plan required by § 128.300 to the COTP for examination at least 60 days before transferring passengers to or from a vessel subject to part 120 of this chapter.

(b) If the COTP finds that the Terminal Security Plan meets the requirements of § 128.300, he or she will return a copy to you marked "Examined by the Coast Guard."

(c) If the COTP finds that the Terminal Security Plan does not meet the requirements of § 128.300, he or she will return the Plan with an explanation of why it does not meet them.

(d) No terminal subject to this part may transfer passengers to or from a passenger vessel subject to part 120 of this chapter, unless it holds either a

§ 128.309

Terminal Security Plan that we have examined or a letter from the COTP stating that we are currently reviewing the Plan and that normal operations may continue until the COTP has determined whether the Plan meets the requirements of § 128.300.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.309 What do I do if I need to amend my Terminal Security Plan?

(a) If your passenger terminal is subject to this part, you must amend your Terminal Security Plan when directed by the COTP, and may amend it on your own initiative.

(b) You must submit each proposed amendment to the Terminal Security Plan you initiate to the COTP for review at least 30 days before the amendment is to take effect, unless he or she allows a shorter period. The COTP will examine the amendment and respond according to § 128.307.

(c) The COTP may direct you to amend your Terminal Security Plan if he or she determines that implementation of the Plan is not providing effective security. Except in an emergency,

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he or she will issue you a written notice of matters to address and will allow you at least 60 days to submit proposed amendments.

(d) If there is an emergency or other circumstance that makes the procedures in paragraph (c) of this section impracticable, the COTP may give you an order to implement increases in security immediately. The order will incorporate a statement of the reasons for it.

[CGD 91-012, 63 FR 53593, Oct. 6, 1998]

§ 128.311 What is my right of appeal?

Any person directly affected by a decision or action taken by the COTP under this part, may appeal that action or decision to the cognizant District Commander according to the procedures in 46 CFR 1.03-15; the District Commander's decision on appeal may be further appealed to the Commandant according to the procedures in 46 CFR 1.03-25.

[CGD 91-012, 61 FR 37654, July 18, 1996. Redesignated by CGD 91-012, 63 FR 53592, Oct. 6, 1998]